RACE OR NATION

GINO SPERANZA

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RACE OR NATION

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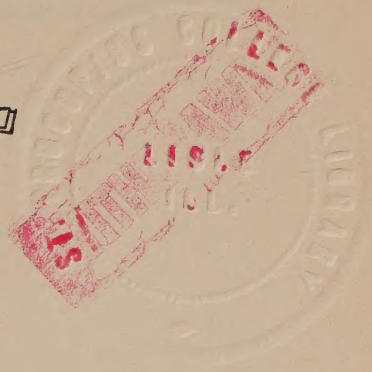
A Conflict of Divided Loyalties

By

GINO SPERANZA



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To

FLORENCE COLGATE SPERANZA

WE HAVE a great desire to be supremely American. That purpose we know we can accomplish by continuing the process which has made us Americans. We must search out and think the thoughts of those who established our institutions. The education which made them must not be divorced from the education which is to make us.

From the address: "Thought, the Master of Things," by Calvin Coolidge, President of the United States of America.

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RACE OR NATION

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CHAPTER I

THE AMERICAN PEOPLE AND OTHER PEOPLES IN AMERICA

"Citizens by birth or choice, of a common country. . . . With slight shades of difference, you have the same religion, manners, habits and political principles."—*George Washington in his Farewell Address, 1796.*

UP IN New Hampshire, where the foot-hills of the great mountains go to meet the Connecticut, there is an old road—one of hundreds in New England—slowly returning to the silence of the primeval woods through which it was hewn. A brook runs alongside it, following its twists and turns until the end of the range is reached. Here highway and brook draw closer together to round the last spur, after which they run off in separate courses through the river valley. It is at the parting point that the hillside slopes gently to a long ledge of green pasture, at one end of which, within a stone enclosure, some old evergreens shade a

dozen tombstones, thickly lichened but upstanding despite their age. Huge roots of ancient trees, long ago felled, still play a part in buttressing and holding the earth and stones of this green knoll where all is still save when the wind sways the tops of the pines.

In the center of this little company of the dead rises a simple shaft with the inscription:

Caleb Kendall,
Born at Preston, Conn.
Dec. 9, 1732.

Settled in Fairfield, N. H.
in 1764
Was the First Proprietor of a Farm
in this Township.

A Soldier in the Revolution
he fought at Fort Ticonderoga in 1776.

A successful Hunter & a good Neighbor,
He enclosed this Acre
and dedicated it to God.

Died October 2, 1821, aged 89 years.

This brief recital of a life's service grippingly brings us face to face with the character and manhood which forged the American democracy. Such as he, gave it its breadth and vision and shaped its special national genius.

It has been the fashion in the last years to speak of America as a potential but undefined mass "still in the making." As if the American democracy had no particular characteristics except a fanciful and limitless power of absorbing all kinds and conditions of men, and every degree and character of civilization. Indeed a good deal of popular discussion has assumed that, because there is no theoretically pure race, it makes little difference how impure it is; or which stock in a mixed population is "numerically greater and intellectually dominant."

In line with such crude discussion of biologic and ethnic questions there has been produced a body of writings on "Immigrant America," fantastic as history and specious as philosophy, blurring in the mind of even some thoughtful Americans the essential fundamentals of their national civilization.

Thus, for many persons to-day American history has ceased to be the history of a distinct people and of a distinct civilization. And because America, as a virgin and practically uninhabited continent, had, in the very nature of things, to be settled by outsiders, it has become the easy play of rhetoricians to call the United States an "immigrant nation." By the same reasoning the

American democracy is a "composite experiment" still in the formative period.

These persons ignorantly or wilfully overlook the fact that this nation, in all the essentials of its life and character, was grafted upon a historically definite and distinguishable north-European or Anglo-Saxon stock. They forget that upon that graft there was developed a definite and distinguishable racial type—the historic American people. This racial type varies from Lowell's Yankee with his "mystic practicalism, his cast-iron enthusiasm, his sour-faced humor and close-fisted generosity" who "invented new trades as well as new tools and got education at all risks," to the very flower of racial manhood as in "the idealism limited and checked by the possible" of an Abraham Lincoln "who saw with sympathy and interpreted with common sense."

No one denies that there were men of various races in the founding of this country or that immigrants from every part of the earth have contributed to the development of the American continent, just as no one denies that peoples other than Greeks contributed to the upbuilding of Hellenic civilization. But in the case of America, what shaped its distinct civilization, what gave it its

special character and genius was the labor and thought of men steeped in the Anglo-Saxon spirit. Through their kinship in spiritual and cultural traditions and antecedents, and the ennobling conditions of life and struggle in the new continent, they became a homogeneous people—the historic American stock—distinctly like-minded and peculiarly alike also in character, in outlook and in ideals.

That is why George Washington (whom I hope even the ultra-modernists will not challenge as a good judge of Americans) in defining his fellow-citizens did not dwell on the fact of birthplace (and in his time he could hardly do so), but stressed this essential and fundamental similarity of mind and character of his people. In that noblest of his addresses, delivered on a most solemn occasion, he said: "Citizens by birth or choice, of a common country, that country has a right to concentrate your affection. . . . *With slight shades of difference, you have the same religion, manners, habits and political principles.*"

I have italicized certain words in this excerpt from the Farewell Address because their full and profound significance has been too often overlooked. Washington knew, as we all know, that there were Atheists, Jews and Roman Catholics

among those fellow-citizens as among his personal friends. He knew that there were men also whose manners and politics were totally at variance with his own. But all this did not blind him to, nor weakly swerve him from, the recognition of the essential fact that the moral and cultural basis of the Americanism for which he spoke rested on certain definite and definable similarities in the great body of his people.

This basis of the democracy which George Washington fathered, was on the side of character and conduct (that is, the relation of man to man) *distinctly Anglo-Saxon;* on the side of religion (that is, the relation of man to God) it was distinctly Christian and specifically Protestant.

If I stress, as I shall stress, the fundamentally Anglo-Saxon and protestant character of American civilization it is because upon it rests, historically and philosophically, the principle of SELF-GOVERNMENT—*self-government in all things, political, moral and intellectual.* It is distinctly this Anglo-Saxon and protestant character which makes government of and by the people applicable not only to the American state, but to the American home, to the American church and to American industrial life. "In the home it means equality of

husband and wife; in the church it means the voice of the laity; in industry it means the participation of the worker."

This does not mean that there is no room within the republic for peoples whose views, beliefs and antecedents differ from those of the historic American stock. It does mean (as I shall more fully point out later) that when, by the sheer weight of numbers, these peoples bear down too heavily with their cultural differences upon the structure of the democracy, they become a distinct de-nationalizing element within the republic. It does mean that when, by combining and solidifying their unlikenesses and divergences from the American civilization they attempt to impose their dissentient social and political ideas, ideals and habits, they then become a distinctly disrupting element within the democracy. They are then political and cultural disturbing factors akin to those racial minorities which have threatened, and to-day still threaten, the life and peace of some of the states of Europe.

We therefore hold these truths to be self-evident:

First, that American civilization, both in its culture and its character, has its roots in Anglo-Saxon soil.

Second, that such culture and character, operat-

ing in the novel conditions of a new and vast continent, developed distinctly new, or American political and social institutions.

Third, that this American democracy is not merely a form of government but primarily and fundamentally a society and a spiritual community —"a community so closely knit together by sentiment, by tradition, by interest and by aspiration, that it is a psychological organism possessed of a corporate personality, a single consciousness, a common conscience, a general will."

Fourth, that this single consciousness, common conscience and single will were developed by men who were fundamentally alike in the essentials of mind and character.

Even with such original homogeneity, however, it was no small undertaking to preserve such intimate unity in a rapidly expanding empire as the United States. It needed the *will,* as well as the single consciousness, to shape the Thirteen Colonies into a nation and to preserve in their vigor and integrity in the growing empire the racial and cultural characteristics of the founders. Extraneous influences such as we see operating in the democracy to-day might well have materially impeded the nationalizing process. Fortunately, the likeness of

mind and character of the founders was favored by the very conditions of expansion, such likeness being transfused and perpetuated in the frontier spirit of the Middle and the Far West. Nevertheless, at best, the making of the nation in its completeness required a constantly operative cultural purpose. Even in the forging of the most easily achievable of social likenesses—the homogeneity of *political* thought and practise—it took one hundred years of national experience and a bloody war between only slightly different-minded peoples to attain that political unity by which only was it possible that "the Union must and shall be preserved."

Even more necessary is unity in the *social* and *spiritual* life of the democracy. Obviously, the closer such likeness, the better knit will the American nation be, the more smoothly will its institutional mechanisms function, and the more robustly will its social and spiritual life prosper.

It came to pass, however, that extraneous and disintegrating influences developed in acute form. They disturbed those older forces which were making for the perpetuation of the nation's homogeneity. Immigration from foreign lands gradually expanded into such vastness of numbers that nothing in recorded history short of a race invasion

equaled it. This immigration became appallingly diversified in racial characteristics, in political antecedents, in cultural traditions and history. And these heterogeneous stocks of humanity actually became partners in that system through a sort of christening process called "naturalization," or by the mere accident of being born within the limits of the republic.

Thus constitutional and legislative provisions (which contemplated and were applicable to the gradual and reasonable absorption of individual aliens into the body-politic) were stretched far beyond their spirit and purpose, to induct hordes from all kinds of races and countries into the management of the great American political enterprise. The effect of *mass,* so obvious and impressive in nature, was not considered at all in its workings and consequences upon a distinct civilization and political system developed by a homogeneous people. If ten thousand north-Europeans in a year were a helpful addition to a growing country, why should not a million a year of aliens from every part of the globe be an advantage?

And what of the harvest? Washington observed "slight shades of difference" in the "manners, habits and political principles" in the American

people of his times. But to-day we see huge masses of non-American-minded individuals, living in colonies or Ghettoes, or even culturally separated towns and countries of their own. Here they perpetuate their racial mindedness, their racial character, and their racial habits. Here they speak their own tongue, read their own newspapers, maintain their separate educational system. In 1920 out of a white population of about 95,000,000, nearly 14,000,000 were born in forty-five different foreign countries, and 23,000,000 more were of foreign or half-foreign parentage. These 14,000,000 foreign-born, as part of more than 34,000,000 of aliens officially admitted into the United States from all countries since 1820, are supporting and reading *one thousand and fifty-two papers* in more than *thirty different languages* varying from Arabic to Yiddish, from Albanian to Welsh. Add to the number of these people, who get their news and views from the foreign-language press, the million and three-quarters of illiterates among the 14,000,000 foreign-born under the 1920 census, and you will get a glimpse of how far we have strayed from Washington's democratic homogeneity of manners and habits of life.

But if such statistical summaries seem too de-

tached from life in their mathematical crudity, go and *see* the actual and visible groupings *in loco*. You will find that in a single block in New York City eighteen different languages are spoken and that one public school in that city harbors children of twenty-six different nationalities. In the city of Newark, New Jersey, only twenty-nine per cent. of the white children in the schools are of fathers born in the United States; that is, in a school enrollment of 71,537, only 20,898 of the white children have fathers who were born here. Of the others, 19,817 have fathers born in Italy, 10,441 are the children of Lithuanian, Ukrainian, Lett and Russian fathers, while 4,504, 4,268, 8,390 and 1,234 are, respectively, of Austrian, West and South Slavic, German, British and Hungarian parenthood. In social Newport, Rhode Island, you will find a large colony of Greeks, mostly from the island of Xanthes whose local "king" can boast of the unchallenged alliance also of the Xanthians in the large Greek colony at Tarpon Springs, Florida. In New Bedford, Massachusetts, virtually half of its present population was born in foreign lands with more than half of such alien population having its origin in non-English-speaking countries. This old, historic New England town to-day leads every other city of 100,-

000 inhabitants and over, in the shameful record of illiteracy with a percentage of 12.1 among persons ten years of age and over.

Nor are the de-nationalizing forces of alienage operative only in the large cities as we can see by a few examples. A teacher, writing from northern New York says: "This district is rural and comprises a population that is ninety per cent. Finnish." In Crawford County, Kansas, there have been as many as thirty thousand foreign-born miners distributed through thirty-six districts in forty-two different camps and small towns. A school principal in Montana, reports: "Our community is nearly all foreign-born with many radical ideas." Another teacher, writing from South Dakota, says: "The great big drawback is that nearly all the elder folks in this county speak only German and do not understand English at all." Yukon, Pennsylvania, in 1922 had more than seventy-five per cent. of aliens in its total population, and there are small towns both in that state and elsewhere where nearly every local public office—from mayor to constable—is held by foreign-born "Americans" or their immediate descendants.

A local survey made by the Women's Bureau of Passaic, New Jersey, showed that forty per cent. of

the total female population of that city were foreign born. Among the women who were bread winners the percentage was nearly sixty. Of these foreign-born female workers, one-fourth were Poles and the rest Hungarian, Italian, Russian, Czech, Dutch, German and other nationalities. Forty per cent. of such foreign-born female bread winners did not speak English, although only seventy-three of the five thousand seven hundred and one were recent immigrants and approximately two-thirds had been here for ten years or more.

In the progressive state of Michigan one school principal writes that in his small, rural jurisdiction, of three hundred and six children enrolled only ninety-seven speak English at home, and a few months ago the *Milwaukee* (Wisconsin) *Journal* quoted with approval in reference to its own state, from a leading magazine that "it is not hard to find communities in this country in which the English language is to the inhabitants a foreign tongue and in which habits of thought and conduct are widely variant from those of neighboring communities."

Nor will it do to argue that such de-Americanizing variances apply only to recent immigrant groupings, or are due to a failure of direct contacts with the life and the people of the nation. Insu-

perable ethnic and cultural barriers stand in the way. They stare at you tragically in the case of the negro race, which, after fifty years of freedom, has been unavoidably segregated both physically and culturally. They stare at you threateningly in the case of the yellow race in every state of the Union where individuals of that race gather in sufficient numbers. They are vividly present in the case of even the white race in the Southwest, where the man in the street, with a certain rough sense of ethnic realities cannot call his fellow-citizens of Mexican stock "Americans," although American civilization and American self-government have been operating upon such "fellow-citizens" for over seventy-five years.

And what of the variances in those forces which make for the life of the spirit? How near are we to-day in the "slight shades of difference" in the religious and moral life of Washington's American people? The last United States Religious Census (which is by no means inclusive) lists two hundred and two different denominations of which *one hundred and thirty-two* report that a part or all of their organizations use a foreign language. And these languages number at least *forty-two,* some of them as closely related to the English of the King James'

version of the Bible as the Chinese of our Chinese Buddhists, the Yiddish of our Polish Jews or the Magyar of our Hungarian Catholics.

Slight shades of difference! During five years of "liberal" policy enough Jews passed through Ellis Island to outnumber all the communicants of Protestant churches in Greater New York. A Jewish publication estimates that of all the Jews in the world one in every ten resides in New York City. The total Jewish population of that metropolis exceeds that "of all the countries of Western Europe together with the countries of South America, Canada and Palestine combined."

The Album of the Parish of St. Stanislaus Kostka in Chicago (the largest Roman Catholic Polish parish in America) describes one of its parochial institutions—the Zouaves of St. Stanislaus—as a society whose members are expected "to be the guardian of everything that is divine and Polish in order to grow up to be real Polish patriots and defenders of the Christian faith."

And up in New England—the cradle of the Puritan and the Yankee—there are to-day "more than one million French Canadians who are carrying on a struggle for the perpetuation of their culture along the same lines as the French in Canada. As

a consequence our New England mill towns have the French language, French parishes and parochial schools, French nationalistic societies and a French nationalist press."

I have pointed out how, the closer the likeness of mind and character of its people, the better will the American democracy function. The converse is equally true. That is, the greater the divergences and differences from the historic homogeneity of the American people, the greater the strain upon American civilization. *It is when the American people are forced to resist the operation and effect of such variations, as they bear down more and more heavily upon the life, culture and ideals of America, that they become aware of their grave internal problem.* And the greater these variations, the more intricate and acute does such a problem become.

These differentiating elements, moreover, through large accretions to their number, tend more and more to *cohere.* They become more and more racially conscious as Poles, or as Italians, or as Germans. And thus they not only become more difficult of absorption because of their increasing bulk, but, by solidifying their differences, they actually obstruct and resist such process. Thus,

for example, exactly because the Polish immigrants are an undigested mass in this country, their feeling of alienage impels them to dwell upon their racial characteristics and they become more consciously Polish than they were in Poland. This self-consciousness takes form in an intensification of their culture, which they seek zealously to conserve by supporting newspapers and magazines in the Polish tongue, and by maintaining Catholic churches which conduct their services in the language of Poland. They thus become, not merely a passive body within the American organism, but an active mass undermining the living tissue of such organism.

Furthermore these differentiating elements, through the momentum of their own expanding volume and strength, become increasingly aggressive in their more or less consciously organized resistance to absorption until they gradually reach a point where they will actually attempt to impose *their* views and *their* principles, *their* interpretations and *their* standards upon the historic American majority.

Some of these attempts have been honest enough and have even been made in the name of American democracy. But they have been asserted in ig-

norance, or through racial incapacity to understand and participate in American civilization. Others, however, have been made dishonestly and as clear attempts to exploit American principles and ideals whose letter they invoked and whose spirit they betrayed.

It is when such alienage and exploitation solidify and become aggressive that what had seemed a problem of fine adjustments between dissimilar elements in the *life-corporeal* of the nation, becomes distinctly a struggle between opposing forces in the *life-spiritual* of the democracy. It is then that the historic American majority, forced into an awareness of what threatens the fundamentals of its life and culture, will begin to react; normally by legal and political means if it can; by new ways and extra-legally if it must.

This is the situation to-day which should be faced quietly, honestly and courageously before it gets out of hand. What Lord Charnwood in his *Lincoln* described as the larger aspect of the struggle between North and South for the maintenance of the *political* union of the nation, may be said of the growing conflict of to-day for the preservation of the spiritual union of the democracy. Now as then, there is, "vividly present to the mind, of some few,"

and "vaguely but honestly present to the mind of a great multitude" the stirring sense that if the Government of the United States—"the first and most famous attempt in a great modern country to secure government by the will of a *mass* of the people"—were found to be at the mercy "*of a powerful minority,*" what they learned to think "the most powerful agency for the uplifting of man everywhere" would, for ages to come, "have proved a failure."

It is the activities and the tendencies of these New-Stock minorities that we must study in their organized solidarity and in their mass aggressiveness, both conscious and unconscious. Obviously in such an inquiry it will be necessary to lay aside what an American college president has called "the characteristic unwillingness of Americans to discuss or to deal with the disputed and the disagreeable." We shall have to face the fact, for instance, that there *is* a growing race consciousness in the American people; and we shall have to study its genesis and the causes of its more recent development. We may not dismiss it (as some of the New-Stock propagandists would have us do) by calling it "race prejudice," which is an entirely different thing. We shall also have to face the fact that the

immigration problem bulks larger and larger as a *race* problem. And we must recognize that the essential danger in that race issue, lies in the fact that we have armed these heterogeneous non-American stocks with a political weapon which many of them are congenitally unprepared to use, and by legislative fiat clothed legions of them with an "equality" which flies in the face of nature and of their history.

Now let me add that in my youth I hoped for the possibility of the absorption of racial heritages under the assimilative process of American democratic forces; not a "synthetic" Americanism, but the original spirit and genius of your race nourished, as it were, but unchanged, by new and fresh blood. Long study, observation and thought have wholly changed my views. The effect of *mass,* for instance, in the immigration of the last fifty years especially, is such as to overcome the natural assimilative forces of even a younger and less distinctly defined society than the United States. Then it has become more and more clear to me that racial characteristics do not die out, especially those subtler qualities of mind and character which profoundly differentiate the culture and the spirit of one people from those of another. These racial

characteristics are transmitted from generation to generation practically unchanged, though they may lie dormant for long periods or lives, or manifest themselves obscurely or only under the stress of a conflict of racial ideals. Add to this the almost abysmal ethnic, cultural and historic differences from the American stock in some of the elements of the newer immigration; consider that the easy and rapid means of international communication to-day powerfully tend to keep the alien under the influences of his original civilization; and the conclusion seems unavoidable that the possibility of even an approximation to real national absorption is practically nullified.

That all this is coming to be more and more recognized can hardly be challenged. It is evidenced, on the one hand, by an increasing unrest in certain parts of the land and a growing demand for more drastic restrictive and protective measures. It is evidenced on the other hand, by a tendency in certain New-Stock "intellectuals," aided and abetted by "internationally-minded" Americans, to theorize about a future amalgamated or mongrelized Americanism. Some of these look forward with satisfaction to a "Synthetic America" or a federated United States composed of racial groups living

side by side as the English and French in Canada. Others among them actually exult at the thought that "each of the races that we now know on this soil" (and that writer includes the yellow and brown races) "will have its share of 'ancestral responsibility' for the typical American now in the making."

I, for one, am against all these. I am not, even remotely, of Anglo-Saxon or Nordic stock. But this is my Country. And the test of service and devotion for the New Stock may be, after all, not how much we give of ourselves, but how much of ourselves we deny. The task and the call for us all —Old Stock and New—as I vision it is to strive to keep America as it was, and, as I pray with all my mind and heart, it may ever be.

CHAPTER II

MASS-ALIENAGE AND OUR LEGAL TRADITIONS AND PRACTISE

"No freeman shall be taken or imprisoned . . . or any ways destroyed . . . save by the lawful judgment of his peers or by the law of the land." Article XXXIX. "We shall not make any justiciaries, constables, sheriffs or bailiffs but from those who understand the law of the realm, and are well disposed to observe it." Article XLVI.—*From Magna Charta signed by King John at Runnymede, "between Windsor and Staines" June 15, 1215, or seven hundred years ago.*

"OYEZ! Oyez. The honorable First District Court of the State of Louisiana is in session!"

The place is New Orleans and the time, 1823—the twentieth year of Louisiana as an integral territorial part of the United States, and the ninth year of her life in the fulness of her American statehood.

The Judge who ascends the bench is the Honorable Joshua Lewis, a Kentuckian and a man of universal esteem. When Louisiana was threatened by the British he had thrown the judicial togà aside,

shouldered a musket and done his bit on the plains of Chalmette.

The tall, ruddy complexioned man sitting in front of the jury box is Mr. Alfred Hennen, a member of the Louisiana Bar, from New England. He is an industrious and painstaking lawyer who prefers "precedents" to forensic oratory, especially Anglo-Saxon Common Law precedents to Latin oratorical appeals. He has the reputation of being a plodding rather than a brilliant Yankee, thrifty and careful, a man of standing in the Presbyterian Church, but by no means averse to a good joke—especially when he can turn it on an adversary.

The short, compactly built, dark gentleman at the other end of the counsels' table is Monsieur Mazureau, a native of France and a member of the Louisiana Bar, which he adorns by his erudition, his logic and his eloquence. He is most learned in the Civil Law, from Justinian's Institutes to the Code Napoleon, which, with the Spanish *Partidas,* is in force in Louisiana. But he is also deeply versed in the Anglo-American Common Law, which, however, he has been known to ridicule as adapted to a people of only moderate intellectual powers. He is a very successful practitioner, well-liked, with a large professional income which, according to his creditors, he spends too lavishly.

These are the lawyers engaged in the trial of the case before the Court. The issue is this: Hennen's client had bought a tract of land measuring, as stated in the deed of sale, "twenty arpents, fronting the Mississippi, and running on that line from an oak on the lower limit to a willow on the upper one." After the sale the purchaser found that the front of the tract measured twenty-five arpents instead of twenty, and now sued to be put in possession of the total tract of the larger amount.

The Clerk of the Court calls the jurors, and the opposing lawyers have their first tilt over the composition of the jury. Hennen challenges as many of the Creoles and naturalized Franco-Americans as he can, and Mazureau does the same with the Anglo-Americans. When the jury box is filled, Mazureau cannot hide his smile of satisfaction; there are nine jurors of the Latin race (including the foreman) and only three Anglo-Saxons. There is some difficulty about swearing in the jury. When the Clerk begins to say: "You do solemnly swear," some of the jurors say, *"Je n' entends pas. Parlez français";* and the oath is administered in French. Then the Clerk starts in with: *"Vous jurez que"* . . . other jurors interrupt with: "I don't understand. Speak English." And

so it goes on till every juror is sworn in according to his mother-tongue.

Hennen then rises, reads to the jury the petition and the answer in the action (written in English and French as required by law) and argues that as the facts in the case are admitted, the duty of the jury is to apply the law to these facts. As to what the law is he cites Article 2,495 of the Civil Code to the effect that "there can be neither increase nor diminution of price on account of disagreement in measure when the object is *designated by the adjoining tenements and sold from boundary to boundary.*"

During the brief, businesslike address of the plaintiff's attorney, the "Latin" jurors give clear signs of impatience, and finally, the foreman, a prominent "Latin" and former Mayor of New Orleans, after some whispered consultation with his French colleagues, asks: "Mr. Hennen, do you really presume to induce us to grant twenty-five arpents to your client when the act of sale only says twenty?" Hennen quietly explains that under the Civil Code the designation of visible limits, and not the specification of the number of arpents mentioned, is the criterion to ascertain the area of the land intended to be transferred.

A long and lively argument ensues, in which the foreman of the jury, the Judge, Hennen and Mazureau take part, the latter intervening with flashing eyes and dramatic fist shakings, while the plaintiff's lawyer calmly urges the jurors that "it is the conscience of the law" that they are bound to consult in the court room, and not their "self-assumed notions of right and wrong."

The foreman, fixing a steady eye on Hennen, says: "Don't trouble us with such a preposterous claim. Your client is not honest, sir."

Thereupon, at the plaintiff's request that the jury be instructed as to the law which is to govern their decision, the Court says: "Gentlemen of the Jury, Mr. Hennen has correctly quoted the law to you. Your duty is to enforce its application in accordance with the legislative will, and not to suit your own individual notions of the just or unjust."

The foreman again whispers to his French colleagues and replies: "We beg leave to remain mindful of a higher law than that which we are desired to enforce, a law implanted in our hearts by God Himself—the law of honesty."

"I feel bound to tell you," the Judge replies, "that I believe the Supreme Court will not sanction your views, and will probably reverse your verdict."

"That," retorts the foreman, "is the affair of the Supreme Court. Ours is to act according to our conscience."

All this has taken place in French—from the perfect French of Monsieur Mazureau, to the Creole French of the foreman, down to the Kentuckian Gallicism of the Judge and the "Parisian" of the gentleman from Connecticut.

Despite this variety of linguistic samples, the three Anglo-Saxon members of the jury can only wonder at what all the hubbub means, the discussion having been carried on in the "mother-tongue" of Louisiana.

They are relieved when the Judge, after addressing the jury in French, repeats his charge in English. Then the jurors file out to deliberate upon the case. In half an hour they return to the jury box and to the general surprise, hand in a verdict for the defendant. Monsieur Mazureau smiles, and Mr. Hennen applies to the Judge for leave to appeal to the Supreme Court, which application is promptly granted.

I shall have to refer the reader to Charles Gayarré's writings (from which I have taken this picture of the "New Orleans Bench and Bar in 1823") if he is curious to know how this "amazing verdict" was reached, and follow the case to the

Supreme Court where the plaintiff was to obtain the relief which the law clearly provided.

But our purpose here is to see if there are any lessons in this illustrative story; any lessons which may help us to study the intricate and subtle problem that faces the nation to-day—the problem of making a juridic system, developed by and for a distinctly Anglo-Saxon people, work, somehow, with large masses of citizens and residents whose juridic history and culture differ from our own.

A quarter of a century ago, when I was studying the difficulties of administering justice in our large cities of vast alien aggregations, I wrote: "The rights of personal security, personal liberty, and private property have been called the 'rights of the people of England,' and may be said to constitute the richest heirloom in the Anglo-Saxon family. While, in a sense, they belong to all civilized people, yet, in their practical application, they were peculiarly the creation of Anglo-Saxon common sense and love of order. The underlying principle of these rights, clothed by the Latins in the seductive garb of *Liberté, Egalité, Fraternité* gave us a Reign of Terror, a Commune, and finally, a doubtful republicanism. But the same principle, embodied in the less dazzling formula, 'That no man

shall be deprived of life, liberty, or property without due process of law,' produced in the hands of the Anglo-Saxons, more enduring democracies 'of the people, by the people, and for the people.'"

The defense and protection of these "ancient rights" rests upon a system of jurisprudence which we shall here call by the broad name of the Common Law of the Anglo-Saxon people. The outstanding and distinguishing characteristics of such Common Law may be summarized as follows:

First, a great body of judicial opinions and interpretations of legal enactments covering nearly a thousand years of legal procedure in Anglo-Saxon courts. These are generally known as Precedents, and constitute the Common Law, in the stricter sense.

Second, a system of principles, means and methods for the ascertainment and establishment of facts and truth, based upon and worked out by the experience of the Anglo-Saxon people and peculiarly suited to their character, their morals, their psychology and their ideals. This is known as the Law of Evidence and includes certain Legal Presumptions based upon certain generally accepted principles in the life and conduct of Anglo-Saxon peoples.

Third, a stoutly defended and jealously guarded method of testing and gauging such facts and truth in any given case by submitting them to the common sense and the sense of fair play of "plain men of the neighborhood." This is the age-old Anglo-Saxon institution of Trial by Jury, including the Grand and the Petty Jury Systems.

Fourth, the particular American contribution to Anglo-Saxon jurisprudence, the authority and the power of courts of law to pass upon the constitutionality—or validity—of legislative acts.

Now, every civilized nation or people has a juridic system which includes one or more of these characteristics; but in no country outside of those under English law, or of the United States, is there a juridic system which possesses all of such characteristics or such particular and peculiar juridic antecedents and legal history. Other peoples and nations may claim or possess a better and an older jurisprudence; but what is important to our inquiry is to keep in mind that, better or worse, it is a *different* jurisprudence, or legal system, from that developed by the Anglo-Saxons.

When large, cohesive and aggressive masses of peoples whose legal antecedents, principles and history differ from those of our Common Law,

settle in an Anglo-Saxon country, and participate actively in its life, they are bound, consciously or unconsciously, to make that *difference* felt in our Common-Law life and institutions.

The case of Louisiana is an old case in point. Unlike the vast groupings of our more recent immigrants, the French and Spaniards of Louisiana came to us through territorial acquisition. We owed them, therefore, a distinct duty not to attempt to "Americanize" them or their institutions too suddenly and violently. But we owed an equal duty (in which those French and Spaniards shared), to endeavor to make Louisiana an integral part of the Union, not merely politically, but spiritually, in all its cultural and social institutions.

One of the means toward this end was the gradual substitution of Anglo-Saxon jurisprudence for the Latin juridic system of the French and Spaniards who were now Americans. How slow and how beset with difficulties that process was may be read in the legal history of that commonwealth. But what is of special significance in such history is that, if the Code Napoleon in Louisiana is to-day so modified by changes and amendments that there is little left of the original, if the old French Civil Law and the older Spanish *Partidas* have to-day been pretty

generally supplanted by the Common Law, it is largely because the preponderant force of the Bench and Bar of that state has been wielded by Anglo-Saxons.

This is no criticism of the eminent jurists of Latin descent who have adorned, and adorn, the Bench and Bar of that commonwealth. It means that, in law, as in politics, Anglo-Saxons are, and necessarily must be, better fitted in every way, to manage institutions and systems which were developed by their own people, through the training and experience of centuries.

When the first territorial legislature of Louisiana assembled in 1806, it directed two members of the local Bar—a Latin and an Anglo-Saxon—to prepare a Digest of the then existing laws of the territory; instead, these gentlemen made a code largely based on that which had been recently promulgated by the great Bonaparte. This introduced into American jurisprudence "a jingling and discordant element." But the Supreme Court, which was created by the Louisiana Constitution of 1812, leaned more and more toward the Common Law.

The membership of that Court at its inception, despite a preponderant non-Anglo-Saxon popular constituency, was of *two* Anglo-Saxon Judges and

one Latin Judge, a balance of power which, more or less, has been maintained to this day. Indeed, in the history of that Court there have been as many as four Anglo-Saxons to one Latin.

The Bar, also, has reflected something of this proportion. To-day, of some three hundred lawyers in New Orleans, only about one-sixth are of French or Creole stock, or about the same percentage as that of Spanish-American members of the Bar of a large New Mexican city like Albuquerque. For in that other of our states of *old,* non-Anglo-Saxon settlements—New Mexico—all judicial offices during seventy-five years of American life have been held by Anglo-Saxons. With the single exception of a "non-American" appointee selected to fill a vacancy by the only foreign-born Governor ever elected in that state, no lawyer of Spanish or Mexican stock has held the office of Attorney-General or of Judge of any federal, state, or county court in New Mexico from 1846 to our day.

In both of these American states, therefore, the presence of large masses of people, alien to the juridic life and legal history of the Anglo-Saxon stock, has retarded and impeded that conformity in legal life and practise which is one of the essentials of a really united people. And even when

such conformity has been finally, more or less successfully, achieved, it has been through the active predominance of Anglo-Saxons in those callings and offices wherein rest, primarily, the capacity and the duty of interpreting, applying, and making the Common Law "work."

Not without reason, therefore, do many Americans view with concern the large influx of lawyers and judges of foreign birth and extraction into American legal life, particularly in those sections of our country where the aggregations of aliens is much vaster than the total of Frenchmen that at any time lived in Louisiana, or the total of Spaniards settled in New Mexico.

These practitioners of foreign stock may be, and some of them undoubtedly are, as learned and capable as the symbolic and representative Monsieur Mazureau of Gayarré's story. But they cannot be, to use a Latin descriptive phrase, "the most indicated" to expound and interpret a constitutional system and a complex jurisprudence to whose genesis, history and development their particular race was a total stranger.

Not so long ago, Elihu Root, speaking before the American Bar Association, dwelt on the many and complex questions of vital interest before

the country, such as the effects of taxation, the social structure, justice to the poor, and injustice to the rich. He hoped that these and divers other important questions would be solved by the "application to the new conditions of the old principles of justice out of which grew our institutions." But to do this, he observed, we must have men who "*understand those principles, their history, their reason, their spirit, their capacity for extension, and their right application.*" In other words we must have a Bench and Bar of the highest intellectual and moral integrity, deeply versed—steeped, one might say—in the learning and the spirit of our laws and of our jurisprudence. Yet, as he pointed out, a very large part of our new accessions to our legal profession, particularly in the large cities, "are of young men who have come from the countries of eastern Europe . . . from countries where there was a highly developed jurisprudence, and having necessarily, by inheritance, all those predilections and fundamental ideas which differentiate the Continental systems of jurisprudence from the Anglo-American system. . . . These young men come here—and they are coming to our Bar by the tens of thousands—with Continental ideas born in them. No cramming for an exam-

ination will get them out. They are not to be learned or dislearned out of a book. Those ideas can be modified or adapted to our ideas only by contact with life—contact with American life—taking in, in the processes of life, some conception of what the American thought and feeling and underlying basis of honesty and justice are."

Contrast this with the editorial statement, in a Polish paper published in New Jersey, translated as follows, "We pride ourselves on having a Polish Judge here, and a Polish Clerk there," followed by an appeal for the Polish voters to "stand together" if they want more offices. Contrast the warning spoken before the highest national assembly of American lawyers with the situation in some of our largest cities and states where many of the magistrates of our lower courts and not a few of the judges in our higher tribunals are either foreign born or of foreign extraction. Contrast it with the fact that in the richest and busiest metropolis of the United States of some eleven thousand lawyers, more than *fifty per cent. are of foreign birth or of foreign parentage.*

No less a careful and judicial body than the Committee on Legal Education of the Association of the Bar of the City of New York, under the chairman-

ship of a former Dean of the Columbia Law School, (who has now been elevated to the Supreme Court of the United States), has gone on record with this finding which I have italicized in part: "Many of these men come to the Bar with little knowledge of American institutions and with little or no appreciation of those ideals and traditions which have in the past dominated the spirit of our Anglo-American legal system. . . . *The result is that the Bar is carrying an almost insupportable burden of a large membership unfitted by education or experience to bear its responsibilities, and without the inclination which comes naturally from familiarity with our institutions, to maintain its traditions.*"

But what shall we say of that other burden of alienage upon our legal system—the burden of mental and moral alienage upon the system of *trial by jury?* Let us bear in mind that *the ultimate enforcement of the law rests upon the jury box;* that under the constitution of every state in the Union, no member of the state can be deprived of any of the rights or privileges secured to citizens "unless by the law of the land, or *the judgment of his peers.*" It is a serious problem enough when the "law of the land" is becoming subject more and more to "interpretations" by lawyers and judges

culturally alien to our juridic life and traditions; but a subtler danger is developing through the cultural alienage of vast masses of foreign-born or foreign-minded "peers" who to-day sit in judgment in the jury boxes of American courts. It takes only sixty months' residence in this country (and that residence may be in the non-American environment of a foreign "colony" in our midst) and the most simple of tests in the veneer of "Americanization" to make an Anatolian shepherd or a Russian mujik entitled to sit in judgment as a "peer" in an American Court. It is enough to state it to show not merely the absurdity but the grave danger of such a free and easy system. And those well-intentioned, but thoughtless, Americans who are so anxious to "naturalize" the newcomers as quickly and in as great numbers as possible, ought to bear in mind that such crude and surface "citizenship" has its repercussions not only on our political institutions but on that great legal system which, through the centuries, the Anglo-Saxons have carefully built up as the bulwark of self-government.

Citizenship implies not only the training in and the development of a civic personality so that an individual may perform his political duties in an

American way; it implies also the possession and acquisition of a moral and psychological personality sufficiently similar to that of the historic American stock to change an alien into something like a "peer" of his fellow-citizens. In Anglo-Saxon history that word "peer" applied to the great system of trial by jury is one of the finest symbols of democracy; it has meant *equality*, real equality before the law; it has meant recognition of, and the respect for the good sense and the conscience of the "plain people." Of the plain people "of the vicinage," as the ancient legal phrase goes; that is, of *neighbors* —of men who more or less live the same life, think and feel the same way as the man who, by the law of the land, they are to judge, as his *peers*.

In the vaster physical aspects of modern life, that spirit of *neighborliness*—a spirit instinct in the Anglo-Saxon Jury System—has not changed. It cannot change without deforming or destroying the system itself. Translated into terms of modern life, that spirit of neighborliness, means and can only mean, to-day, *like-mindedness—a similarity in psychology, in moral outlook,* in what the Anglo-Saxon race, through centuries of life and struggle, has considered fair play, reasonableness, good sense and righteousness.

You cannot "confer" this psychology or moral outlook. It takes ages to develop and be able to transmit a racial "point of view," a point of view which necessarily underlies all opinions and all decisions. It is not claimed that the Anglo-Saxon point of view is better and finer than that of the stocks of our newer immigration which have flooded America and whose tide is flowing into the jury box; it is only claimed that it is *different,* and that it has been different, because of clear, definable and potent historic causes, for hundreds of years.

What Hennen, the Yankee lawyer, knew, and what Joshua Lewis, the Kentuckian Judge, feared might happen in an American court with a jury preponderantly "Latin-minded" is to-day happening with jurors of alien origin in various parts of our land. Because you cannot "prove" it with statistics—there are no statistics—it does not mean that it does not exist as a daily fact in some of our courts. You cannot "prove" the forces which shape or unmake civilizations, yet who would deny their existence!

Most of such jurors are as honest and, no doubt, well-intentioned as the nine jurors hand-picked by Monsieur Mazureau; they, no doubt, do not mean to be false to their oaths as jurors. But *they cannot help thinking, feeling and gauging facts—and*

especially motives—from their own racial standpoint. As an eminent American lawyer has said, "people of two different countries have two different sets of pre-natal ideas in the back of their heads; every word that is said and printed and written receives one meaning against the background of one set of ideas and another meaning against the background of the other set of ideas."

Mazureau's jurors acted, as their foreman said, according to *their* "conscience." The application of the law, as delivered to them in the Judge's charge, was for them, as their foreman explained, "the affair of the Supreme Court"; for them it did not exist; as far as they were concerned it was not binding. And all this was *twenty years* after New Orleans had been made an American city in the sense that American institutions and life had been brought to bear upon its citizens. Twenty years—or *four times* as long a period as we deem sufficient to transmute, legally, almost any kind of an alien into a citizen entitled to sit in judgment in the jury box of an American court!

Why not squarely face the fact that, to-day, in New Mexico, where our laws and civilization have operated for three-quarters of a century, no *Penitente* on a jury will convict another *Penitente?*

Why not extract the real significance from the fact that, to-day the majority of all Grand and Petty Juries in New Mexico are composed of "Spanish-Americans"? How many know what that means? It means that after *seventy-seven* years of American civilization *most indictments in New Mexico are found by Grand Jurors,* and *most trials are before Petty Jurors, who do not speak English,* so that, *to-day,* every step in the proceedings in an American Court in New Mexico in which a jury sits—from the testimony of English-speaking witnesses to the addresses of counsel and the Judge's charge—has to be translated. It is of common knowledge, too, that among official "Spanish" translators—especially in criminal cases—there are orators who greatly "improve" on the Anglo-Saxon lawyers' arguments before such juries, by "translating" with a passion, gestures and verbal addenda not to be found in the bland and uninteresting Anglo-Saxon original.

Making the Anglo-Saxon legal system "work" in New Mexico may seem something of a problem. But it sinks into insignificance when compared with that of administering "Anglo-Saxon justice" in a foreign city like New York. In a single year the magistrates' courts of the first division of that

metropolis committed or held for trial nearly *thirty thousand foreign-born persons,* disposing of a total of about one hundred forty thousand cases of which probably one-half were natives of some foreign country!

Nor is this all. Another, and perhaps subtler, effect of the disrupting and deforming alienage upon Anglo-Saxon legal principles and life is the strain placed upon the basic system of "proof" constituting our Law of Evidence. That great body of principles and precedents rests largely on the psychology and the moral character of the Anglo-Saxon people. These are the least and the last affected by any assimilative process of nationalization, and too deep and intimate to be even touched by such a legalistic formality as naturalization.

It may be stated as a striking and fundamental difference in psychologic and moral outlook between methods, if not systems, of evidence, of Continental and Anglo-Saxon peoples, that the latter place much reliance on a man's oath, while the former place little or none upon it. In most Continental countries a citizen is not asked to swear as to what he is; the state registers and checks him up in every important step of his life. He estab-

lishes his non-criminality, if not his character, not by what he or his witnesses can swear to, but, primarily, by the certificate of the state which sets forth that there is nothing of official record against him.

This difference in method of proof, formal and unimportant as it may seem at first sight, has a far-reaching influence in the administration of law in relation to the alien or the alien-minded among us. The difference (with its consequences) is strikingly shown on the very first occasion that the alien (and potential future American citizen) comes in contact with our method of proof: on his arrival at any American port of entry where he is examined for admission under our immigration laws.

All arriving aliens are listed on the manifest of the ship which brings them; the manifest sets forth that each of such aliens has answered certain specified questions regarding his status, nationality, residence, relatives and the like, which answers are set forth in the manifest. The proof that he is neither an anarchist nor a polygamist, nor an ex-convict or ex-pauper, as required by the Immigration Law, is primarily furnished by the alien's say-so, itself. Even the proof of what race or people he belongs to is "established" by what

the immigrant says it is. The manifest is accompanied by an affidavit of the ship's commanding officer wherein it is sworn that, from the surgeon's examination and report and the affiant's own investigation, such officer believes that none of such aliens has been convicted "or admits" to have been convicted of a crime, "or is a polygamist . . . or an anarchist."*

We are not concerned here with the value of this method for ascertaining facts regarding the life and character of new potential additions to our citizenship. If many Americans believe in the harvest of truth gathered by such a method from, say, the fifteen thousand aliens from all parts of the earth, landed in one week at Ellis Island, during the Quota Law rush, all eager to land at almost any cost, they are entitled to their opinion. But what I wish to point out here is that, at the very start of his American experience, the alien finds a striking difference between the evidence required at home and what suffices in the new land. The impression that a large number of such aliens get by that first contrast, is of little benefit to this country. It varies from a vague idea that ours cannot be a real strong

*The U. S. Immigration Law of 1924 has made some important and helpful changes as regards "proof" to be furnished by immigrants.

government, to a feeling not unlike that of Monsieur Mazureau's in regard to the Common Law of the land. This is the first step toward that widespread disregard, if not contempt, for our legal procedure and legal presumptions among many of our foreign-born and our alien-minded citizens. It is a distinctly "intellectual" quasi good-natured contempt in the sense that our Anglo-Saxon checks on falsehood and irrelevancy appear to the alien too simple as tests of good faith, too easily "gotten around," and too "inferior" to the carefully woven net within which the police powers of Continental Europe shelter truth and important records of her citizens.

When such attitude of mind and of moral outlook toward our legal system is, more or less, shared by thousands and hundreds of thousands of our residents of foreign birth or extraction, the strain upon the administration of justice throughout the nation becomes a matter of serious concern. The letter of the law is more and more cited against the spirit and the historic content of the law; juridic principles and presumptions rich in Anglo-Saxon interpretations become deformed, if not nullified, in their plain intent, by alien, however often shrewd and "original," legal constructions; and the oath

administered in courts of law, either by swearing or affirmation, loses much of its potency as a high moral check upon untruth and evasion.

One of the most obvious results is that peace officers and police find it ever more difficult to secure "legal evidence" in crimes and frauds, while prosecuting officials experience even greater difficulties in proving criminal violations "beyond a reasonable doubt."

Other cases, besides that of cultural and moral alienage in our midst, have undoubtedly contributed to the present conditions in our administration of justice; but not enough attention has been paid to the contributing factor of the mass-alienage in psychology and morals, in antecedents and traditions, of *millions* of our foreign-born or foreign-stock residents in their relation with the law.

Argue as you wish, make charges of "racial prejudice" or appeals to a "broad" interpretation of our democracy, but the uncontrovertible facts are these: the ancient, painfully and slowly achieved system of Anglo-American Common Law is to-day under the pressure of *fourteen millions* of foreign-born whites, of whom *seven millions are of voting age;* it carries the strain of *six millions and over* of foreign-born men and women who, under the

1920 census, are naturalized American citizens and, therefore, potential *Grand* and *Petty Jurors* in our Courts; it sags with its *nearly two millions* of foreign-born white *illiterates* and its *nearly three millions* of foreign-born whites ten years of age and over *unable to speak English;* with its *ten and a half millions* of citizens of *African stock;* its *two hundred thousand residents* of *yellow stock,* its *three millions* of *Germans, Poles* and *Austrians,* its *near two millions* of *Slavs* and of *Latins,* its *Turks,* its *Greeks,* its *Syrians,* its *Anatolians.*

The facts supersede any theoretic question as to whether our juridic system is better or worse than that under which these millions of aliens have lived. The vastness and the cohesiveness of this alienage renders dangerously academic any discussion as to whether these millions of aliens have little or much to contribute to American life and culture. The real question, the question which transcends all other questions, is how the spirit of American law can survive, how the juridic system of the Anglo-Saxon people—as the bulwark of American self-government—can be maintained under the pressure of a huge, self-centered and aggressive alienage, how American Courts can function judicially with litigants speaking fifty different lan-

guages and representing a hundred different kinds and degrees of civilization; with judges not infrequently elevated to their high office specifically because of their non-American origin and as a "recognition" of non-American racial constituencies; with lawyers of foreign birth or extraction who have a double duty to defend the laws of the country, but some of whom cannot easily speak that country's language, and more of whom know and understand little of that country's history and traditions.

This is the question, a very difficult and a very grave question. It will not be solved by "putting it off." It must be faced, squarely and courageously, without malice but in no spirit of timidity. The thousand-year-old bulwark of free popular government is surely worth defending.

CHAPTER III

MASS-ALIENAGE AND OUR POLITICAL LIFE

"Providence has been pleased to give this one connected country to one united people, descended from the same ancestors, speaking the same language, professing the same religion, attached to the same principles of government, very similar in their manners and customs. . . . It appears as if it was the design of Providence that an inheritance so proper and convenient for a band of brethren, united to each other by the strongest ties, should never be split into a number of unsocial, jealous and alien sovereignties."—*John Jay, First Chief Justice of the United States of America.*

IT COST the New Mexican House $7,287.50 for the salaries of its employees during its sixty days of life in 1923—a modest sum as those things go; but over one-fifth of this amount was for "translators and interpreters." That item, in terms of life, means that there are members, duly elected to the Lower House of New Mexico, who to-day cannot transact their legislative business in English.

There is a specific provision in the compact between the people of New Mexico and the United States, to the effect that "ability to read, write, speak, and understand the English language suffi-

ciently well to conduct the duties of the office without aid of an interpreter, shall be a necessary qualification for all . . . members of the State Legislature."

It was under that compact that New Mexico was admitted into the Union "on an equal footing with the original states."

But then this is only one of the things in New Mexico that cannot easily be explained. Even the Governor, fine, honest, upright man that he is, cannot explain them. And it is not only in the Legislature; there are plenty of strange things outside. For instance in the vernacular of that commonwealth, if you are a "native" it does not necessarily mean that you were born in New Mexico; primarily it means that you are not "white." Yet not being "white" does not mean that you are black or yellow; it means, to all intents and purposes, that you are not in "our crowd." If you *are* in our crowd and were born in New Mexico, you are not a "native" but an American. If you are not in our crowd and were born there you *are* a "native" but you are neither "American" nor "white."

The "natives," a kindly and patient people, accept somewhat fatalistically such discriminations. Whatever reaction there is among them is largely

the affair of a few political leaders who, however honest, are not always wise. On the other hand the "non-natives"—mostly of Texan, Kansan and western stock—are hustlers rather than analysts; and as they like to see things done, they resort to what is known all over the state as "following the line of least resistance." The result is that political life—American self-government—in New Mexico, is mostly a compromise, where it is not pure fiction.

This deeply tragic example of a fine and loyal people in our midst who are still an unassimilated and culturally alien element should teach a lesson to our "Americanizers" and our theorists. If they will study the situation in that state, in its deeper and intimate aspects, they will get a clear idea of what happens when one attempts (even with the best of motives) to fit one kind of government to a race which had nothing to do with the growth and development of that *special kind* of government. They will find in New Mexico a native people with old traditions and customs, and a civilization of their own, splendidly loyal to the Stars and Stripes which they stoutly defended on every occasion, yet culturally and historically unadapted and ill-at-ease in the body-politic of the republic.

The basis of this tragedy has its roots in the pop-

ular notion or assumption that American institutions are so inherently excellent that they fit *all* peoples. This assumption has been industriously, and at times insidiously encouraged by some New-Stock "intellectuals." These specious "friends of freedom" lightly preach that government of and by the people is something that any one can have and enjoy irrespective of character, intelligence or special political training and antecedents. These theorists utterly forget that "the Constitution of the United States was framed by men of Anglo-Saxon origin for their own government, and it presupposes the long political evolution to which that race has been subjected in the mother-land during eight or nine centuries. It presupposes also the Anglo-Saxon virtues of moderation, self-restraint, and sense of fair play. . . . To impose free institutions upon a people which does not possess them is to endanger the social order and bring free institutions into unmerited reproach."

For our theorists, instead, the American Constitution is a sort of magic touchstone which, by being applied to any kind of people, supernaturally fills them with the inward grace of American self-government. Then along come our optimists (and they are legion!) and the thoughtless mass who

prefer shibboleths to ideas, and, with the joy of spendthrifts "hand out" the Constitution and the laws—the *tools,* that is—of American democratic government to all who ask for them upon the lightest of conditions. They feel that they have thereby done the righteous and patriotic thing!

Something of this kind was done (and, perhaps *had* to be done in the circumstances of that case) in the American conquest of the New Mexican territory. Back in 'forty-six General Stephen W. Kearney, with less than two regiments of mixed troops, made his gallant and celebrated march into that territory, driving everything before him, and entering Santa Fé about the middle of August. Obeying orders from the Government, he assembled the people on the public plaza and announced to them that he had taken possession of all New Mexico for the United States and assured them that "you are no longer Mexican subjects, you have become American citizens. . . ." After various vicissitudes the war ended by the Treaty of Guadalupe Hidalgo which formally ceded New Mexico to the United States. Without going into the details of the establishment of a territorial government under the United States it will be interesting to our special inquiry to point out that General Kearney had a

lawyer on his staff, whom, with characteristic hustle, he set to work in preparing a code for the local government and administration of the new territory. And the lawyer did so well (following "the line of least resistance"), copying largely from the codes of other states, that by December, 1847, the first Legislature of territorial New Mexico had been elected under its provisions and was holding regular sessions.

To an unbroken succession of two hundred and fifty years of Spanish and Mexican Governors and five years of American military occupation there now followed a period of sixty years of territorial government under Governors and civil officers appointed by the President of the United States. In this period only *one* of the eighteen Governors was a "native" or "Spanish-American," only *three* of the twenty-one Secretaries were of native stock, and the seventeen Chief Justices were *all* Americans.

I do not point to this, as even thoughtful and educated "natives" in New Mexico do to this day, in any spirit of criticism; I point to it for its significance. Government, that is the new American government "of and by the people," grafted upon a non-American civilization, *had* to be run by Americans. The fact that the new government might be

better than that under which the New Mexicans had lived had no bearing on the situation. It has no real bearing to-day. When New Mexico was hurried from the territorial stage into statehood, what the man in the street calls "the line of least resistance" *had* to be followed just to make government function. It was the government of and for an American people and the expression of an American civilization. Its inherent excellence did not necessarily make it excellent or adaptable to a people and to a civilization different and distinct from the American. The Constitution did not make Americans, but Americans made the Constitution; and it is only Americans who can make their Constitution a living organism and not a mere written scroll. The present Republic of Mexico, for instance, has a constitution which some experts in the matter think is technically superior to our own; but such constitution is not a living part of the Mexican people, of their civilization, of their political life. It is a splendid tool, "made in America" as it were, which the Mexicans do not know how to use. It is too foreign to their civilization.

Now, when New Mexico became a state, the elective, appointive and legislative offices, despite a numerical "native" preponderance were "distrib-

uted" as follows: of the eleven state-elected officers, two (the Lieutenant Governor and the Secretary of State) were of "native" stock; of the elected congressional officials (two United States Senators and two Representatives), and of the eleven elected high judicial officers, *none* were "natives." In the State Legislature, the Senate had four "natives" in a membership of twenty-four, and only in the House did the New Mexican stock have a majority. During the entire American period, that is, from 1846 to to-day, no "native" has held the office of Attorney-General (later Solicitor-General) of the state, or of Judge of a federal, state or county court except one who was appointed to the State Supreme Court to fill a vacancy by the only "non-American" ever elected Governor of New Mexico.

It is easy to say that all this is "unfair" and "illegal." It is. But we must search for the causes of an evil if we wish to right it. You do not right it by simply distributing the offices more equably between the two races in New Mexico, as so many of the "natives" demand. You would not get American self-government by that method; you would simply extend that mongrel tribal government of some of our big cities wherein the various racial constituencies are "recognized."

The root of the evil and of the social tragedy in New Mexico lies in the historic fact, rather, that two different and separate civilizations, distinct in antecedents, ideals, history, standards, habits and political life, are trying to live side by side as one family. With the best intentions we have legalized and "constitutionalized" an impossibility. Under the law these "natives" are "Americans" and "fellow-citizens"; actually, under the stress of historic and natural laws, they have a "common consciousness," a "single conscience" and a "general will" so *different* from those of the American people that they are not, and cannot, in the mass, be in any intimate sense, "Americans" for a very long time to come.

This is not the place to examine how the problem of the two races is being solved in New Mexico, if the process going on there in this regard deserves, even in a poetic sense, the name of "solution." Here we can dwell only on the fact that what has happened in that state, tragic though it is, has taught no lesson to the American people. Through a thoughtless optimism or a sincere but unreasoning faith in the wonder-working powers of American institutions we have gone ahead on the theory that *any* race could fit into the body-politic and be

capable of participating in the management of the American political enterprise by the merest veneer of "Americanization" or through the mere accident of being born within the physical limits of the republic.

I say "race" advisedly, for what used to be called, and was, an immigrant problem, has become in the last fifty years distinctly and acutely a race problem. What was once a rather natural infiltration of individual aliens into the fabric of a young nation gradually became an unnatural "permitted invasion" of huge blocks of foreign stocks, of alien minorities that found it hard to fit into any European state, of entire single districts and provinces from the Continent pouring in unabsorbable masses into a nation, already fully formed and grown to manhood.

A comparison of even mere physical bulk of these "permitted invaders" with the total of natives we took over in New Mexico will be illuminating. The population of that state in 1920 was, in rough numbers, 350,000, of whom, it is calculated, about one-half (say 180,000) were of "native" or Mexican-Spanish stock. These 180,000 "natives" we have failed to absorb into the real political life of the democracy in seventy-five years of contacts with

American civilization and with American democratic institutions.

But these 180,000 New Mexicans are a mere handful to the *fourteen millions* of foreign-born whites in this country (1920 census) who are potential "American citizens" whom we encourage, urge and drive to become "Americans"; or even the *seven millions* of foreign-born whites of voting age. The self-government, in the real and essential American spirit and significance, which we could not make a reality to 180,000 good loyal people of Spanish stock, our geographical neighbors for two centuries, and inhabitants of this continent for many generations, we expect to obtain from the 3,314,910 males and the 2,893,787 females of white foreign stock born abroad who, under the 1920 census appear as our "naturalized American citizens!" What failed to work with 180,000 "non-American" citizens uncrowded in a physically vast state, we expect to achieve with twice that number of Italians born in Italy and jammed together in the single city of New York, or thrice that number of Jews and an equal number of Germans, Poles and Austrians who crowd the Empire City!

Try to visualize the invasion of "potential American citizens" which took place in a *single*

year of "liberal" immigration policy; there rushed in enough Austro-Hungarians to populate twenty-seven towns of the size of Portsmouth, New Hampshire; enough Poles and Jews from Old Russia to fill eighteen more towns of the size of Lawrence, Kansas; enough Italians to give us a new city of the size of Indianapolis, Indiana; besides four German cities of ten thousand each, six of Scandinavians, one of French, one of Greeks, six of English, five of Irish, and nearly two of Scotch and Welsh. The balance of that single year's in-pour (merely considering Europe) gave us enough Belgians, Dutch, Portuguese, Rumanians, Swiss, and European Turks to populate six cities of the size of the New Mexican town of Raton, without counting the Serbians, Bulgarians, Montenegrins and Spaniards. Even under the first "Quota Immigration Law," of 1921 which some assailed as too drastic, there were injected into the fabric of the republic in 1922 twice as many non-American-minded potential citizens as there are "natives" in New Mexico to-day, with the added handicap that this mass of cultural and political alienage represented not one, but *thirty-nine* different races, nations and cultures!

Is it unfair to stigmatize as unreasoning even a

sincere faith which believes that by a mere legal formality after a sixty months' residence and the simplest of tests, these racial blocs can be transmuted into reliable and useful forces of American democratic self-government? Is it unfair to charge as thoughtless an optimism which assumes that the children of these heterogeneous "invaders," born this side of Ellis Island (some perhaps a week after their parents' landing) can be, on attaining maturity, politically minded as American democrats in any but the most narrow, legalistic sense? Is it an incitement to race-hatred, as the demagogic race-vote-getters tell you? Or is it not rather an appeal to reason to urge upon the American people the necessity for the serious study of the effects of these huge blocs of racial votes upon American political life?

There is no question of superiority or inferiority of this or that form of government involved, but merely of a *difference* in political training, antecedents and long practise. As the scholarly diplomat who, until recently, was Italian Ambassador in Washington, said in his farewell speech to the Italian Chamber of Commerce: "There is one characteristic difference in the psychic and intellectual make-up of the Anglo-Saxon and the

Latin peoples; the former have a highly-developed political conscience and great capacity for social organization; the Latins instead are eminently individualistic; endowed with high intellectual creative power, they lack political and social coalescence." And that is why, added Prince Caetani, when Italy some seventy years ago adopted "almost integrally the English parliamentary system" it found, and has since experienced that "the suit of clothes that fitted so well the Anglo-Saxon build" has not always conformed "satisfactorily to the body-politic of the Italian people."

But it is too late to-day to deny that voters, new and old, of foreign stock in this country are cohering and solidifying their political power along the lines of their racial and cultural differences from American racial and cultural standards. They are also using that power more and more for non-American if not un-American ends.

It is not the "reformers" and the college sociologists who to-day are mildly warning against the dangers and the evils of racial votes. It is the racial groups and blocs themselves that openly boast of their political power, and, through their own leaders and their own press, demand pledges from, or threaten political death to, candidates who

are "suspected" of being Americans in the sense of feeling, thinking, hoping and voting in a thoroughly American way. It is notorious that we have to deal with a Polish vote, a Jewish vote and a German vote. Out in South Dakota you have to reckon with a "Russian vote," and in New England with a "French-Canadian vote" in the rural districts, and an "Irish and Italian vote" in the cities.

Carol Aronovici, an intellectual leader of his people and a former official of the state of California, has frankly said before the American Academy of Political Science: "The loyalty of the Poles, the Russians, the Greeks, etc., in some measure will be determined by the international policies of the United States," and he said it since the Great War was fought whose lessons as to the "German vote" in this country we are told to forget!

An Italian politician, in a leading Italo-American publication, attacking Senator Pepper (suspected of believing his own people "a super-race,") harangued his fellow-Americans of Italian stock as follows: "In the last elections of November seventh, the Italians of the U. S. A. through carelessness or ignorance, or possibly through the lack of *patriotic*

cohesion, have allowed the great opportunity to escape them of *cooperating* efficaciously and surely *with the new government of Italy,* in the solution of the intricate problem of *our* trans-oceanic emigration." The italics are mine and are inserted as an aid to the understanding of what American citizenship means, to thousands and thousands of foreign-stock recruits to our citizenry.

More and more, consciously or unconsciously, do these cohering racial masses of "newly-made" but actually culturally-alien "American citizens" reflect and manifest distinct racial, nationalistic and even non-American views and aspirations. These manifestations are visible and measurable in almost every group; some time in sharp contrast to the historic American conceptions and ideals; some time in unsuspected and unexpected places. You catch a glimpse of what is subtly working in the mind of even the second generation—perhaps unbeknown and unrealized by these "native" Americans—as with the high-school boys of Italian descent who write so feelingly in their class-weekly that *Italy* is their real *patria.* You see it, in bolder and more brutal indifference in the "internationalism" of our Ruthenian and other "Continental-Americans" who vote both here and

in their country of origin, who elect their representatives to American office and also cast their ballot to fill offices at home. How appropriate is the epithet *"bigamists in citizenship"* which the editor of a foreign-language anarchist weekly fearlessly applied to such additions to the American democracy!

But in its subtlest and most telling and disrupting form you see the tremendous political coherence of our culturally-alien "American citizenship" in those groups of our older mass-immigration, such as the Scandinavians in Minnesota and the Germans in Wisconsin. In Minnesota, writes a well-known student of our alien problem, "Norwegian is preached on Sunday in more churches than in Norway. The Constitution of the State resembles in many respects the famous Norwegian Constitution of 1813. The largest city has been chosen as 'the spiritual capital' if I may say so, the seat of the Scandinavian 'house of life' which the Scandinavian Society of America is reported to be planning to build as a center from which there is to spread through the land Scandinavian culture and ideals."

And of the effects of the coherence of German-Americans in the adjoining state of Wisconsin the

same writer asks: "Is it merely a political accident that the centralization of State authority and control has been possible to a degree heretofore unknown in this country? That the Socialist organization is the most powerful in the land, able under ordinary conditions to have elected the Mayor of a large city and a Congressman, and left out of power only by coalition of the other parties? That German is the overwhelmingly predominant 'foreign language' in the public schools and in the Universities? Or that the fragrance of *Deutschtum* pervades the life of the whole State?"

The above was written nearly ten years ago, and it is not without interest that, recently, the great State of Minnesota preferred to be represented in the National Senate by one of its foreign-born citizens rather than by a native son. Nor is it less significant that Wisconsin's Socialist Congressman, less than two years ago, in forecasting a Socialist victory dwelt especially on ethnic causes for a favorable result. "The United States," he said in part, "are not an ethnical unit. . . . Naturally the inherited characteristics and instincts play a strong part in our lives. . . . Wisconsin is overwhelmingly German and Scandinavian. . . ."

With these examples of the coherence of our

older immigrant elements, need we dwell on that of our more recent "permitted invaders"? Two recent cases should suffice.

A respected Old-Stock American, a spiritual leader in his community, writes me that in his town —a large industrial city of Massachusetts—"it would be political suicide for any man to announce himself as an American of the original stock, educated in the Public Schools and the best New England College."

And here is an item from an old reliable Chicago newspaper:

Detroit, Mich. Dec. 21, 1923—Special. A resolution demanding that the state police evacuate Hamtramck was to-day drawn up by a committee appointed at a meeting at which "Polish rule" for Hamtramck was demanded. Hamtramck is a city of 60,000 inhabitants, situated within the limits of Detroit.

Judge Tuttle of Federal Court was criticized for his recent attack on the liquor situation in Hamtramck. Justice Phillips of Hamtramck was booed into silence when he attempted to defend Judge Tuttle and the State Legislature. The Hamtramck council and state police were attacked violently.

The speeches were mainly in Polish and when Justice Phillips tried to speak he was told that the Polish tongue should be heard only and for him to leave the hall. Health Commissioner Dysarz said that Hamtramck should be resided in by Polish people only and that all others should get out.

Is it really necessary actually to "demonstrate" further that our laws on citizenship and naturalization are wholly unsuited to present conditions and to the character of vast masses in our population? Need one refer to the teachings of history to bring home to the American people the fact that by conferring citizenship in the thoughtless and indiscriminate manner in which it has been and is being done, they are arming large elements in the "American electorate" with a weapon infinitely more destructive to American self-government than the much-talked of "bombs" of "Red conspirators" in our midst! Will it be seriously and honestly maintained that under the pressure of this alienage in our electorate American democracy can possibly endure? That it can possibly remain American? That it can escape becoming a *better* form of government as some of our alien-minded citizens claim—but certainly *different* from what it has been?

Indeed, could *any* government whatsoever and wheresoever escape being profoundly changed in character and spirit by the influx into its electorate of large numbers of people wholly alien to and historically unrelated to the political traditions and the political training which went into the making

of such government? As an American sociologist has put it:

"If you should ask an Englishman whether the tone of political life in his country would remain unaffected by the admission to the electorate of a couple of million Cypriotes, Vlachs, and Bessarabians after five years' residence, he would take you for a madman. Suggest to the German that the plane of political intelligence in reading and thinking Germany would not be lowered by the access to the ballot box of multitudes of Serbs, Georgians, and Druses of Lebanon, and he will consign you to bedlam. Assure the son of Norway that the vote of the Persian or Yemenite, of sixty months' residence in Norway will be as often wise and right as his own, and he will be insulted. It is only we Americans who assume that the voting of the Middle Atlantic States with their million naturalized citizens, or of the east north-central states with their million, is as sane, discriminating, and forward-looking as it would be without them."

What is more, let us honestly and frankly face the fact, that it was never contemplated in the original framework of the democracy that the franchise should be conferred in the thoughtless manner in which it has been "handed out" to those

vast masses of totally alien people which have poured into this country during the last fifty years.

To claim otherwise is to "liberalize" the historic content and the spirit of the principles of the democracy into unnatural legislative sophistries.

In this regard the words of our Supreme Court in the recent case of United States vs. Bhagat Singh Thind may help us to realize how far we are straying from the reasonable intent and meaning of our fundamental laws. In that test action the Court had to pass upon the exact meaning of the words "white person" under our Naturalization Act, so as to determine whether a high caste Hindu was eligible to American citizenship. The Court in deciding against such eligibility made the following comment of which I have underscored some portions:

"The words of familiar speech which were used by the *original framers* of the law, were intended to include *only* the type of men whom *they knew* as white. The immigration of that day was almost exclusively from the *British Isles* and *Northwestern Europe whence they and their forebears had come.* When they extended the privilege of American citizenship to 'any alien being a free white person' *it was these immigrants—bone of their bone* and

flesh of their flesh—and their kind whom they *must have had affirmatively in mind.*"

I call attention to this dictum by our highest Court not at all to imply that all our more recent immigration falls under the historically and socially ineligible class to American citizenship; rather do I cite it to make men reflect how dangerous it would be to apply any of our fundamental laws without reference and due regard to their spirit and historic content.

And if all this will not suffice, let us go back to the wisdom of the fathers of the republic; let us read and reflect upon what they thought and what they feared might result to the democracy should large alien groups invade American life and participate in its government. Of those among the fathers who boldly and clearly recorded their opinion of such a grave danger, I need only quote one—the greatest democrat of them all,—Thomas Jefferson: "The present desire of America," the Sage of Monticello wrote, "is to produce rapid population by as great importations of foreigners as possible. But is this founded in good policy? . . . Every species of government has its specific principles. Ours perhaps are more peculiar than those of any other in the universe. It is a

composition of the freest principles of the English Constitution, with others derived from natural right and natural reason. To these nothing can be more opposed than the maxims of absolute monarchies. Yet from such we are to expect the greatest number of emigrants. They will bring with them the principles of the governments they have imbibed in their early youth; or, if able to throw them off, it will be in exchange for an *unbounded licentiousness*, passing, as is usual, from one extreme to another. It would be a miracle were they to stop precisely at the point of temperate liberty. *These principles*, with *their language*, they *will transmit to their children*. In proportion to their numbers, they will share with us the legislation. *They will infuse into it their spirit*, warp and bias its directions, and render it a heterogeneous, incoherent, distracted mass."

CHAPTER IV

MASS-ALIENAGE AND AMERICAN SPIRITUAL LIFE

"The sentiment of our Fathers, made up of their patriotic intentions, their sincere beliefs, their homely impulses, and their noble aspirations, entered into the Government they established; and unless it is constantly supported and guarded by a sentiment as pure as theirs, our scheme of popular rule will fail."—*Grover Cleveland to the students of the University of Michigan on Washington's Birthday, 1892.*

THERE is before me an old volume whose yellow fly-leaf bears this title:

"Trial of Frederick Eberle & Others . . . for illegally conspiring . . . with their bodies and lives to prevent the introduction of the English Language into the service of St. Michael's and Zion's Churches belonging to the German Lutheran Congregation in the City of Philadelphia."

The book is the shorthand record of the trial, in 1815, of one hundred ninety-five members of that Pennsylvania congregation charged with unlawfully assembling, and oppressively conspiring, to prevent *by force of arms* the use of any "strange language"

in the "worship of Almighty God, among the said congregation."

The "strange language" referred to was English, the mother-tongue of the commonwealth wherein the defendants resided and in which the Constitution of the United States had been written less than thirty years before.

The trial lasted nearly a month, the testimony taken covering some two hundred pages of fine print. The presiding Justice then delivered his charge to the jury, setting forth the law and admirably disposing of the attempt of the defendants to make it appear that an issue of religious belief was involved. The Court specifically instructed the jury "to keep constantly in mind that it is no part of their duty to decide on the doctrines or the discipline of the German Lutheran Church." The jury, said the Court, are concerned only in ascertaining from the evidence "whether the laws of the country" were violated by the defendants.

After due deliberation the jury found the defendants guilty "in that they had resorted to *violence* and *unlawful means*" in their efforts to keep the English language from their church service.

Our interest in this old case, however, is not so much in its legal aspects as in its moral

implications. It was brought out at the trial that, at a special meeting, anterior to the commission of the acts for which they were indicted by the Grand Jury, the defendants passed a resolution from which I quote these passages: "As we have enjoyed the inexpressible happiness . . . to be provided with churches and schools of our own, in which the word of God, and the needful religious instruction . . . in our respected and highly cultivated mother tongue is laid down, and as we observe that steps are taken, by introducing the English language, to destroy the object of our religious institutions . . . we declare ourselves to be Germans and to be for the Germans. If there are some members in the corporation who declare themselves for the English and against the Germans, we declare them as having broken their covenant and duty. . . ."

In all these resolutions they were entirely "within the law" of the land to which they, or their forebears, had come, and of which most of them were, legally, citizens. There was then, as there is to-day, nothing in the Constitution of the United States, and nothing in its laws, to prevent citizens and residents of the Union from being non-American, un-American, or even, anti-American in spirit,

ideals and aspirations; nothing to prevent any of them, or millions of them, from using German, Italian, Yiddish or Norwegian in preference to English in their homes, in their churches, in their schools and their societies; nothing even to restrain them from having social, political and educational organizations separate and different from those offered by the democracy or reflecting the spirit and outlook of the American people.

But let them not imagine that what the law does not *prohibit* it *justifies.* Behind the law, and as the basis of the law, there is a body of unwritten principles of political ethics and moral and social ideals in the minds and hearts of the American people. In them dwells the *conscience of the nation.* Through them lives and fructifies the spirit of American Democracy. For democracy is not merely a *corpus* of legal provisions and of political principles. First and foremost *democracy is a spirit,* and "they who know the truth of democracy know it in spirit." It can have no permanence unless behind it is "a creative *spiritual* outlook," and it can be preserved only "through the constant and determined exercise of great powers of *thought* and *feeling.*"

The *conscience of the nation* is to-day vaguely

but definitely aware of this. In response to its spiritual *malaise* it is slowly but surely revolting against any conception or practise of Americanism short of the moral and spiritual implications which give to that term life, worth and high purpose. More and more clearly does the national conscience awaken to the fact that *unless there is a distinct conformity between its democratic institutions and the moral character of a preponderant part of its members the republic cannot endure.* More and more is the nation realizing that the spiritual heritage of the republic must be defended in its integrity not one whit less stoutly or less sacrificially, if need be, than the physical boundaries of the Union.

What, then, is this heritage? What lies at the foundation of the *character* of the American people? What is the moral basis of their institutions? Calvin Coolidge, while Vice-President, succinctly outlined the answer in his trenchant analysis of the spiritual contributions to the nation of the commonwealth whose life and history he knows so well.

The immediate cause of the settlement of Massachusetts was, as he tells us, a profound religious movement. Green, the historian, he reminds us, says that in the age of Elizabeth, England became

a country of one book, and that book the Bible. But when the people took that book into their hands, "the right of personal judgment in matters of religion became established, and from this there was derived the principle of personal judgment in matters of government." The conclusion was individual liberty.

In other words, historically, the spiritual and cultural forces at work in the founding of the American democracy were distinctly the forces set free by the Reformation. They were forces originally at play in the religious field—that of Protestantism—but they were working *"toward freedom and independence in all things."* That is why it can be said of the seventeenth-century Puritans that the "good life" was not merely religious, moral and intellectual; it was also, as Professor Sherman has pointed out, *a self-governing life, in all affairs of the soul.* For them the broad conception of a "free life" was one subject only to divine commands which each individual had the right to interpret for himself. And their constant application of this conception, "their daily use of the Bible, their prompt institution of schools and universities, and the elaborate logical discourses delivered from the pulpits contributed to a uni-

versal education for independent and critical free-thought."

Hence it must not be lost sight of in any serious study of the moral basis of the republic, that for those who built the *nation-spiritual* in all its intimate essentials, the Bible was not merely the book of books in their religious life. It was, in a real sense, the Great Charter of all their liberties—in their intellectual and political world no less than in their moral and social world. That is why it can be said that the stock spiritually "grafted" upon such Puritanism—the rising American—was historically and culturally protestant even more, and more profoundly, than it was theologically and doctrinally Protestant.

The reliance for spiritual and intellectual guidance on the Bible was not confined merely to the Puritan or the New Englander. In the great Assembly of *all* the Colonies, the *American people* went on record as to their faith by a resolution of the Continental Congress "to import 20,000 Bibles from Holland, Scotland, or elswhere into the different parts of the Union" upon the findings of its Committee of Commerce that "the use of the Bible is so universal and its importance so great."

Indeed, as Professor Humphrey has recently

shown with such objectiveness and wealth of documentary evidence in his *Nationalism and Religion in America*: From the first meeting of a committee working for American rights through to the final session of Continental Congress, we find the political assemblies imbued with a profound appreciation of their religious responsibilities. The founders of the republic . . . recognized the precepts of their Bible as "sound political maxims" and the "proclamations and other state papers of Continental Congress are so filled with Biblical phrases as to resemble Old Testament ecclesiastical documents."

So also, along the western frontier of the Colonies, the cradle of the pioneers of the West, there were scattered groups of Bible-loving woodsmen of mixed Protestant races, but American by birth and parentage, alike in habits of thought and ways of living, among whom, as Roosevelt pointed out, the dominant Presbyterian Scotch-Irish formed the kernel of a distinctly and intensely American stock.

If I dwell on these plain facts of history, if I re-state spiritual truths which have been the unwritten but accepted gospel of the democracy, it is because we have come to a point in our national

life when such facts are publicly and ignorantly challenged and such truths aggressively defied.

The manner and extent of such challenge and defiance mark the *growing lack of conformity between the national institutions and the character of large masses of alien-minded members of the nation.* They point to the ever-widening disparity between the cultural background of the American democracy and that of certain alien elements asserting themselves in the life of the nation.

When such lack of conformity makes itself felt in the life-spiritual of the republic then the very foundations of American civilization are threatened; for when the differences in moral and spiritual life become too great the *"closest human relationships cannot be attained."* And when these cannot be attained democracy, which is essentially of the spirit, functions under too great a strain if it can function at all.

It is necessary frankly to recognize that the challenge and the defiance to the spiritual heritage of the democracy seem to come, to-day, more distinctly and aggressively, from elements in the nation distinguished from the mass of our citizenship by the particular religious faith which they hold. There can be no question that the growing

feeling in many parts of our country, while directed generally against the "alien," is specifically aimed against Israelites and Roman Catholics. Yet on examination we shall find that this same feeling of criticism and opposition has been aroused against *Protestants* as well when these have failed to conform to the unwritten laws of the *national conscience.*

It is important to bear this fact in mind if we wish to prevent an expanding national difference from becoming an irrepressible national conflict. For, as the Union could not live, as Lincoln said "half slave, half free," neither will it consent to be made, spiritually, half American, half alien.

The bitterness injected in this issue has become, in some parts of our country, blinding to both sides. But such bitterness arises largely from the efforts of many of those involved to force the issue (and at times to exploit it) as a *religious* issue, as an issue of intolerance and *religious* discrimination. The American people are extremely sensitive to any charge of religious oppression and the alien in our midst has not hesitated to exploit American sensitiveness on this point.

But if we look dispassionately into the question of present anti-Jewish and anti-Catholic feeling,

aided, as we must be aided, by the light of history, we shall have to recognize definite *cultural* (as well as religious) differences underlying Protestantism, Judaism and Roman Catholicism. It is these underlying *cultural* and *historic* differences that we must first briefly consider.

A distinguished English writer—a Roman Catholic—recently dwelt on the fact that the "*various cultures*" (the italics are all mine) "arising from *different forms of religion* were the *chief* causes of *differences* between various regions of Europe. . . . They are," he wrote, "at the root of quarrels more lasting and violent than the quarrels arising from difference of race and language." And applying this historic test to the present situation in Italy, this scholarly Catholic found that the undoubted strength and spiritual unity of the Italian nation today was due in a distinct measure to a return to "a virtually complete *religious homogeneity.*" This cultural-religious unity, brought about largely through Benito Mussolini's policies, eliminated in Italy, the writer tells us: "one *line* of *cleavage* which is a *weakness* everywhere else."

This example of Italy will help us to understand what is meant by the necessity for the maintenance of a similar cultural-religious "homogeneity" in

our own country. When Hilaire Belloc speaks of Italian homogeneity in this field he does not mean, of course, that there is not room in Italy for non-Catholics, Jews and free thinkers; or that any of these are a menace to that state. He knows, as we all know, that there are native dissenters in that country, such as the Waldensians, and that the Italian Jews have a synagogue not far from the Vatican in Rome and within a short distance from Savonarola's Convent in Florence. What he means, obviously, is, that Italy is, *historically,* a Catholic country; and that the Italian people, *preponderantly,* are members—culturally if not actually—of the great church of Latin civilization. Indeed, Benito Mussolini, himself, before reaching his present great office, justly affirmed in the Italian parliament "that the Latin and imperial tradition of Rome is to-day represented by Catholicism. . . ." And since coming to power he has consistently lived up to such conviction, pursuing a policy toward the Roman church which has made Italy's relations "more Italian, more national" as Belloc rightly describes them. In other words the Italian leader has re-established the historic spiritual-religious homogeneity of the Italian people by substituting "a religious peace in the place of a

sort of hidden religious war," restoring "the emblems of religion," (that is of the historic religion of a preponderant part of the Italian people) in the public schools, in the courts of justice and, as he plans to do, "in the seats of government."

Now, turning to our own country: the religions or, more exactly, the spiritual "homogeneity" which is at the historic basis of the American democracy is certainly not Roman Catholic; neither is it Jewish, even though there have been Roman Catholics and Jews in the United States from the very beginning of its history. Historically and culturally the democracy belongs with such states as England or the Scandinavian nations. There are Roman Catholics in all these "Nordic" states, yet no serious person would challenge classifying such countries as Protestant, exactly as France, Italy and Spain, though having Protestants in their population, should justly be classed as Catholic.

It is important to make this distinction clear as it otherwise may be distorted and misquoted by propagandists and special pleaders. So let us first look at the history of the formative days of the republic and see what those facts disclose.

American Roman Catholics were not only represented at the Constitutional Convention of 1787, but

the views of these able and patriotic representatives were admittedly "influential in determining the final character of American religious liberty." But it is no less true that the controlling and preponderant influence in all the labors of establishing the nation and giving to it its characteristic American democratic imprint, was, from the religious standpoint, the influence of Protestants. While American Roman Catholicism had its Daniel Carroll and its Thomas Fitzimons, American Protestantism had George Washington, Alexander Hamilton, James Madison, Edmund Randolph, Charles and C. C. Pinckney, John Blair, George Wythe, George Mason and William Samuel Johnson among its representative Episcopalians, William C. Houston, Hugh Williamson, Gunning Bedford, William Livingston, William Patterson, William Davie, Luther Martin, Thomas McKean and Charles Thomson among its Presbyterians, besides the Methodist Richard Basset, the Quakers Mifflin and Dickinson, and the Congregationalists Caleb Strong, Oliver Ellsworth, Elbridge Gerry, Nathaniel Gorham and Rufus King to mention a few.

It is this preponderance, quantitative and qualitative, of Protestant thought and sentiment, representing, as it undoubtedly did, the great majority

of the American people, which constituted the greatest and the determining force in the "development of a centralized national conscience" and stamped American nationalism with a particular and characteristic Christian moral and spiritual outlook. Though it was, in no sense, the basis for a state church, and still less the foundation for a theocratic government, yet it constituted, and still remains, as Bryce points out, the underlying spirit of "a *national religion.*" For in much of our current discussion we overlook the basic difference between the American *State* and the American *Nation.* It is the particular characteristic of the American scheme of organized national life that the latter is above the former; that it is the nation which "created the state and can make and unmake its laws and government."

It is by bearing this distinction in mind (and even scholarly spokesmen of the New Stocks overlook it, possibly because they come from countries where the state, as such, is "supreme") that the speciousness of many claims put forth by some of our new citizen-philosophers will appear. Here I may merely call attention to the fact so constantly and wilfully overlooked, that from this distinction and difference between state and nation it follows, among

many other things, that the principle of "the separation of church and state" which is at the basis of our laws, does not imply, morally or legally, the divorcing of religion from the nation.

Now, going back to the question of American Roman Catholicism in the formative days of the nation-spiritual, it was undoubtedly fortunate both for the Roman Church and the young republic that a noble and patriotic soul such as the Reverend John Carroll should have been the leader of the movement for an organized American Roman Catholic Church. For he was (and I am quoting from Protestant sources) "a man not only versed in the theology and the polity of the church, but also *imbued with American principles and feelings.*"

And that is why, in the early days, the American Catholic clergy were so sensitive and alive to the necessity of independence from anything which savored, even slightly, of pressure from a foreign and alien jurisdiction. One of "the bitterest controversies" of the early American Catholic Church was over the question of the independent control of its membership and finances, and from the very start there was strong feeling against any dependence whatever on the Sacred Congregation at Rome. The Reverend John Carroll himself, in his

first pastoral letter to the American priesthood, wrote as follows:

"I consider powers issued from the Propaganda, not only as improper but dangerous here. The jealousy in our governments of the interference of any foreign jurisdiction is known to be such, that we cannot expect, and *in my opinion, ought not to wish* that they would tolerate any other than that which being purely spiritual is essential to our Religion. . . ."

This was the spirit and the practise of our early American Roman Catholics, culturally, traditionally and mentally much like the rest of the Americans. It is the spirit and the practise of many American Roman Catholics to-day. If there is manifesting in our country to-day that cleavage which has been rightly called a national weakness, it is not due to the religious faith of unvocal American Roman Catholics like these. Rather is it to be traced to the pressure exercised upon the still preponderant Protestant homogeneity of the nation by a mass of non-American-minded Roman Catholics who have come here within the last fifty years, carrying with them cultural and nationalistic differences which have no place in the American democracy.

Similarly with regard to the mass of Jews which have come to these shores in the last decades; to them, Israel "is not merely a religion, but a nationality as well." Indeed if it were only a religion then when one of them ceased to observe the forms of that religion he would cease to be a Jew; or by assuming a western name and western habits of life illude himself that he had thereby divested himself of his inescapable cultural and racial background.

As a matter of fact the Zionist movement is, in its implications, an admission by the Jews themselves of their distinct Israelitic nationalism and their separate cultural aspirations. Even such an outspoken opponent of the Zionist State as Zangwill naively explained that those of his people in England who volunteered in the World War (and there were many) did so "for the honor of Israel."

The fact is that the Jew, in America as elsewhere, holds tenaciously to his racial and special culture and, in the last, deepest and profoundly honest analysis of his conscience he realizes that he neither can, nor wants to, merge it with other cultures. He can, of course, be politically a citizen of any state to which he gives his political allegiance; but he cannot, certainly not in the mass, be culturally and

in regard to the nation-spiritual, anything but Jewish.

As Maurice Samuel has frankly written in his recent book: "It is unthinkable that so vivid an element as the Jewish people should be absorbed into your (*i. e. the Christian*) world without producing an appreciable alteration in its constitution. A world that has absorbed the Jews will to that extent be a Jewish world.

"And this is precisely the condition which you refuse to admit. You want no tampering with your identity; you want to remain what you are. . . . You want us to be absorbed in you without leaving a trace. And with the best intention in the world we cannot oblige.

"We cannot assimilate; it is so humiliating to us that we become contemptible in submitting to the process; it is so exasperating to you that, even if we were willing to submit, it would avail us nothing."

That is why, in part, the popular belief (actively exploited in some quarters) that the Ghettoes in various parts of Continental Europe are the result, *exclusively,* of Gentile religious discrimination and oppression, will not bear historic inquiry. The mass of the Jews tend to live together, (and con-

stitute, as they do, those "minorities" so much written about which are distinctly cultural groupings), because, like other but larger racial groups, including the Anglo-Saxons, they prefer those who have their own racial outlook, their own customs, and their own antecedents and history.

This well-marked difference and distinction of the cultural forces behind Judaism from the preponderant cultural and spiritual forces of the American nation, which make for a cleavage in the homogeneity of our nation-spiritual, has an analogous counterpart in the historic and cultural forces which preponderantly shaped the Roman Catholic Church. For Roman Catholicism, as we have pointed out, has been, in what is historically the modern epoch, preponderantly associated with Latin civilization. In this respect, if in none other, it has been a great but nevertheless quite distinct spiritual force from that which has shaped the history of modern Anglo-Saxon or northern nations.

This historico-cultural difference has played a tremendous part also in the settlement and development of the Western World. Indeed the history of the settlement and development of the Americas is, in its deeper aspects and significances, the history of the struggle between two distinct civilizations or

cultures for the mastery of a new and vast region opened up to all comers by Columbus' discovery. In this vast region, as John Fiske tells us, "whatever seed of civilization was planted" was sure to grow to enormous dimensions. "Spain, France and England were the nations that contended for the possession of this vast new region." Catholic Spain and Catholic France with their Latin or Roman conception of "conquest with incorporation, but without representation," and Protestant England with her Anglo-Saxon method of nation-making of "incorporation with representation," each unconsciously bent "to prove by the result of the struggle which kind of civilization was endowed with the higher and sturdier political life."

That is why, as we look in broad survey, on the "Catholic states" of South and Central America, and the "Protestant states" of North America, we find that, even to-day, the line of difference in religious belief in a preponderant part of the people of each of such states, follows pretty generally the line of difference in racial *culture*—that is, the line of difference between what is popularly known as Latin civilization and Anglo-Saxon civilization.

If we look further we see also that in a general way, the conception and practise of self-govern-

ment, or government generally, differs distinctly according to whether, in any place, the Latin or the Anglo-Saxon *civilization* has been, and is, dominant. We are not concerned here as to which conception or practise of government is better or more conducive to the greatest happiness for the greatest number. Personally, I do not believe that what is excellent, politically or otherwise, for one people is necessarily excellent or even possible for a totally different people. What is important here is to see and stress the fact that there *is a difference*.

This difference on the cultural side (more profoundly than on the religious side) between Latin and Anglo-Saxon is still a basis of struggle, a struggle which has been made more visible to us, as well as more acute for us, by the inflow into this country, as I have said, especially since about 1840, of vast masses of immigrants belonging to *civilizations whose determining spiritual character has been either non-Christian or non-Protestant.* These have introduced a weakening "cleavage," a distinct element of disrupting *alienage* into the spiritual union of the democracy, into the determining Christian and Protestant character of American civilization.

Yet nothing could show more clearly that the

rising opposition against the more recent Jewish and Catholic immigration is, in its last analysis, a sentiment against the alien *cultures* behind those sects, than the fact that a like opposition manifested itself in this country also against Protestant groups when these showed themselves, *culturally* and *spiritually,* alien to the forces and ideals which went into the making of the *nation-spiritual.*

Whenever and wheresoever there has been, or there is, in this country, historically and culturally, something not specifically national in any large grouping of men; something that is adhered to and honored, in the intimacy of mind and spirit, more tenaciously and profoundly than what is essentially national and American; then and there we have an element of alienage affecting the spiritual union of the democracy; then and there we have a failure of conformity between American institutions and the moral character of its members. The German Lutherans of Pennsylvania whose case I have cited at the beginning, were spiritually alien; not because of their Protestant Lutheranism, but primarily because they were, culturally, Germans. They adhered to the German language and honored the ideals of German culture more sincerely and tenaciously than the language and ideals of America.

The Dunkers, the Mennonites and the Moravians, though Protestant sects, have been, in different degrees, elements of spiritual alienage in the democracy, retarding and affecting national spiritual union to the extent of their respective adherence to "something not specifically national"—not "specifically American."

Such alienage in the individual has, of course, little influence on American life. Even with groups of such individuals the effect is negligible. Every nation and every civilization has elements within its population alien in stock, customs, culture and religion. It is only when the grouping assumes such proportions as that of the later migrations to this country that its alienage begins to have sensible effects. The nearest comparison to the *massiveness* of some of these groupings in our country is that of certain cultural and religious minorities in Central Europe. In every Continental state where such minorities are found they are a source of constant and serious national problems. They were a source of acrimonious debate at the meetings of the "Allied and Associate" experts at Versailles after the Great War, and the object of much study as to ways and means of making them somehow "fit" into the national life and culture of their

political "co-nationals." And the means devised have worked so poorly that probably there is not one of these Continental states with a cultural or religious minority problem which has not, in despair, tried to "solve" it by dumping such minorities upon us.

What is too often overlooked is that some of *our* "minorities" of this cultural character are numerically larger than some of those of Europe. Our way of solving the problems of these cultural minorities, when they come to us, is far simpler. Five years after they land at Ellis Island (and are promptly led by some agent of their various societies here "to get the first paper") we generously and cheerfully make "Americans" of them! What a way of adding to that mass of alienage which already threatens the spiritual heritage of the democracy!

We have heretofore considered how when such alien elements grow vastly in numbers, the *law* of *mass* operates, to our detriment, in our political life. That same law operates, to our detriment, in the field of mind and spirit. Cohesiveness sets in along the line of "that something not specifically national," in moral character, in mental habit, in spiritual outlook. The spiritual alienage of the

individual becomes the compact, organized and denationalizing alienage of large religious or cultural associations and clubs. The mass, thus organized along its line of cultural divergence, becomes, through its volume and solidarity, more and more aggressive. It is no longer the indifferent and static alienage of the individual. It is the dynamic, assertive, and disrupting force of an alien body within the *nation-spiritual.*

The growth and expansion of such spiritually alien mass-action becomes visible in the novel and strange misreadings by the leaders and representatives of some of these New Stocks of the deeper, determining forces in the history of American civilization and American institutions. It can be easily traced in the mounting insistence and the ever more inclusive character of the demands and the pretensions of such leadership and its constituencies. It is no longer the opinions, judicial or otherwise, of our most exalted judges or of our most distinguished historians, that should be the guide of the American people, but the *distinguos* and demagogic interpretations of our New-Stock moral and intellectual masters. If a Justice of the United States Supreme Court dares express the opinion that this is a Christian country, there arises

one of the leading constitutional lawyers of American Jewry to tell us that that was an *obiter dictum* and that ours is *not* a Christian government. Though a great American Judge like Story and a great teacher of our jurisprudence like Dwight assure us that Christianity is a part of the Common Law of the State as is shown "by the administration of oaths in courts of justice . . . in the observance of Sunday . . . and in the legal principles which control a parent in the education of his children," Israelitic-American jurists correct our national error in the following language: "The fact that oaths are administered to witnesses, that the hollow mockery is pursued of opening deliberative assemblies and conventions with prayer, that wills begin with the absurd phrase, 'In the name of God,' that gigantic missionary associations are in operation to establish Christian missions in every quarter of the globe" affords no "valid proof" that ours is a Christian nation.

So it has come to pass that it is perfectly "tolerant" for "Russian-Americans" or "Italian-Americans" to write the most atrocious falsehoods about the character and religion of the Puritans, but it has been "bigotry" for the Government of the United States to ask an arriving alien if he is a Jew

or a Gentile. We have not been permitted by an aggressive, culturally alien minority to make the national census helpful and scientific as an ethnological as well as a statistical and social survey of the *racial* elements of the nation; and we have been so cowed by the "threats" of our alien-minded political constituencies that the government experts, who calculated the percentages of races and nationalities upon which the "Quota Law" was applied, have deemed it advisable not to make their proceedings public.

And so with our history. It is the learned amateurs of the Irish-American, the German-American, and kindred hyphenated historical societies that line up against a John Fiske on what were the beginnings of New England. It is a foreign-born political official who sits in judgment on a Hart of Harvard, on a McLaughlin of the University of Chicago, and on other of our American historians. And though an unbroken line of records certifies that American democracy, in all its political, social and spiritual essentials rests upon, and lives and has its being in the labor, the character and the ideals of those great men who gave to our country "its institutions, laws, customs and language," yet a German-born leader of a distinct racial group

in our midst gravely tells us that while "every other people has some culture, some civilization, handed down from the past, of which it is the custodian, and which it seeks to develop," America "differs from all other nations in that it derives its inspiration from the future!" The American people, he adds, lest we may have some lingering doubt "are dedicated not to the preservation of what has been but to the creation of what never has been."

Nothing, however, has shown more dramatically the effects of such spiritual alienage upon the national life than the campaign undertaken by Israelitic Americans and Romanist Americans to eliminate the Bible from the American public school. Despite historic and spiritual antagonisms of centuries, these distinct racial and cultural stocks have actually merged and united along their one common line of dissent—their common opposition to a distinctly national and American spiritual possession. For the Bible in the American public school has been, both historically and spiritually, as much the symbol of self-government and of the national conscience as the American Flag. It has been, in every intimate sense, as much a charter of American liberties as the Declaration of Independence. It is true that the courts have sustained such

a campaign, as they should as a matter of law. But before the greater tribunal of the conscience of the nation—before those Americans for whom democracy is a spirit—those American Israelites and American Romanists have established their spiritual alienage. What organization among them—social, educational or "patriotic"—has raised a voice of protest against such a spiritually un-American campaign? What leader among them in the philanthropic, political, historical or religious fields has spoken a word of public dissent? Who among them went on record with at least a word of moral revolt when, in Catholic New Orleans, the Bible was legally barred from those splendid schools which John McDonough founded and endowed with his private fortune, and gave to the people, on condition that the Book of Books of the founders of the republic should be daily read in them!

Is it "intolerance" and "religious discrimination" if the national conscience looks with deep misgivings on the fact that there are more than 6,000 Roman Catholic organizations in this country with more than *seven and a half million members conducting* services in *foreign languages* or in a foreign language and English, and that, of these, 2,230

organizations, with 3,300,000 members, use *only* foreign languages varying from French to Bohemian, from Italian to German, from Spanish to Slovenian and Lithuanian. Is it bigotry for the American people to be disquieted by the fact that the Jews of New York spend yearly over $2,000,000 on *Yiddish* newspapers published in that metropolis? That they maintained in that city in 1918, by their own count, 3,637 societies of their own wherein none but Jews might enter? Is it intolerance for the American people to grow restive at the constant, insistent and well-organized campaign for the establishment of parochial schools throughout our land to "parallel" the American system of the public school?

How long, how long will it be before the New Stocks will not only learn, as a matter of American history, but also *feel,* as a matter of spiritual assimilation of American democratic life, that the Constitution and the laws are not, and never were meant to be, the final exponent and test of what each of us owes, and all of us owe—in loyalty, in duty, in understanding, in service and in affection—to the democracy? That though only "an overt act" on our part may start the law to restrain and punish us, yet any one of us owes a greater, though uncharted, duty to the *nation-spiritual,* to honor

the *spirit* of her institutions, and not to offend the character and aspirations of her people?

"There are certain fundamentals in every system," wrote the late Mayo Smith, "to destroy which destroys the system itself. Our institutions have grown up with us and are adapted to our *national character* and *needs*. To change them at the demands of agitators knowing nothing of that character and those needs would be absurd and destructive."

One of these fundamentals is a citizenship assimilated into the national *moral* life. Assimilated, not into any special sect, but into that broad yet distinctly American Christianity "founded on no particular tenets," without "establishment," or titles, or spiritual courts, but "with liberty of conscience to all men." The Christianity which De Tocqueville so trenchantly described as a "*democratic* and republican religion" and which he found so powerful and determining an influence, in our political no less than in our spiritual life, as a *national and unifying moral force*. The various sects which that non-Anglo-Saxon and culturally non-Protestant philosopher studied in our midst differed "in respect to the worship which is due to the Creator"; but they all "agreed in respect to

the duties which are due from man to man." Christian morality, he records, "is everywhere the same in America," for Christianity, "by regulating domestic life, regulates the state."

It is this democratic Christianity—this character and moral outlook, republican and protestant in spirit, Anglo-Saxon and Protestant in historical and cultural genesis—which Washington had in mind when he said in his Farewell Address: "Citizens by birth or choice . . . with slight shades of difference, you have the same religion." How vital, fundamental and unbroken is the force and the urge of that democratic Christianity in the life of Anglo-Saxon civilization to this day, is attested by that statesman, who, whatever his faults, successfully led the British Empire through one of the greatest crises in the history of civilization. Speaking on behalf of the restoration of John Wesley's chapel, not so long ago, Lloyd George said: "I never realize the effect which Methodism has had upon the national character so much as when I attend international congresses. It has given a different outlook to the British and American from the outlook of the Continentals in some very vital respects. . . . It is due to training, to something that has taken generations to root in the

national character which hardly exists on the Continent at all. We are all creatures of the eighteenth century. . . . The Anglo-Saxon races were born again in that century. On the Continent of Europe the revolution was an economic, social and political one. In Britain the revolution was a religious one. In the United States of America, it was first a religious one, in the second place a political one. . . . It tinctures everything. It gives a different attitude of mind.'

Unless there be a distinct conformity with this underlying moral outlook, with this Christian and protestant spirit, at least in a preponderant part of our citizenship, the democracy cannot escape that spiritual "cleavage" which has destroyed and is seriously disturbing some of the European states.

Easily ascertainable historic reasons are making such conformity or spiritual assimilation much harder for some of our racial elements than for others. Roosevelt was the first to point out that the Huguenots were the immigrants who *soonest* became most completely American "in speech, conviction and thought"; and next came the Hollanders. It is not mere chance that both of these more assimilable alien groups were Protestant. It will be unavoidably a slower process for the mass

of the more recent Roman Catholic stocks among us to be thus spiritually assimilated. The more marked the *cultural alienage* underlying the Catholicism of each racial group, the more difficult and the more retarded will be the process of such assimilation. The older Catholic elements are, themselves, discovering this fact among their fellow-religionists of more recent date in this country. It is no secret, for instance, that Polish Catholics and Irish Catholics among us, though sharing the same religious beliefs and members of the same church, are by no means in harmony. Indeed some of the priests who preside "over foreign-speaking congregations have refused to work with English-speaking priests." Nor can it be challenged that there is a growing feeling among American Catholics that the church "must take a stand against the tide of immigration." It must do so for the same reason that the nation finds itself compelled to do it; because too many have been coming who are too different and antithetical in culture and antecedents from not only the older American Protestant stock but from the older American Catholic elements.

That is why, even to-day, in spirit, priesthood and outlook Roman Catholicism in this country is

becoming more and more culturally American. Though for polemical purposes some Catholics may publicly deny it, yet I think that a large number of thoughtful American Catholics would personally subscribe to ex-President Eliot's opinion that American Catholicism is already resulting in a "profound modification of the Roman Catholic Church" in regard to "the manners and customs of both the clergy and the laity" including "the scope of the authority of the priest" in this country. No one perhaps knows this better than the scholar and humanist who to-day rules in the See of Peter. Hardest of all, and perhaps impossible, will be the spiritual mass assimilation of Israel.

In the meanwhile, in the undoubtedly long period which must elapse for the assimilative processes to work, it will be well for the leaders of our New-Stock citizens to bear in mind that, though this American Christianity is broad enough to allow all creeds and religious convictions to function freely within the political democracy, it is nevertheless definite enough and so deeply ingrained in the national character, that any attempt to modify it, or spiritually to alienize it, will be resented and resisted by the American people. They will resist it peaceably, by lawful means and the enactment of

laws, as they have attempted by legislation to protect the American public school and the English language in Oregon and Nebraska. Blocked by legal or legalistic limitations they may even amend their fundamental constitutions so as to make them declaratory of the moral principles behind American statute law, as they have done, clumsily perhaps but earnestly, by the Eighteenth Amendment. But let them not be driven too far, too truculently, and, above all, too insistently by those spiritually alien leaders of the New Stock, who appeal to the letter of American laws while they betray, in ignorance if not in intent, their spirit. Let those leaders consider that, in the world of American spiritual values, there may be victories in the courts of the land which mean defeats before the conscience of the nation.

CHAPTER V

MASS-ALIENAGE AND AMERICAN SOCIAL LIFE

"A bold race has derived inspiration from the size, the difficulty and the danger of the task. . . . Expansion has meant nationalization; nationalization has meant strength and elevation of view."—*Woodrow Wilson, twenty-seventh President of the United States.*

WHEN Hugh McCullough—who, later, was to play such an important part in the financial redemption of the Union—began his career, he thought that the then pioneer country of Indiana would be a good field for an ambitious young lawyer. His own choice had been for the southern part of that state; but a trusted friend—General Howard—who was United States Attorney there, dissuaded him from locating in lower Indiana.

The argument which led the future Secretary of the Treasury to settle in the northern part of that commonwealth, was, according to the scholarly author of *Mississippi Valley Beginnings,* this: "There are some nice fellows in the southern counties," wrote Howard, "but the people generally have come from Kentucky, Tennessee, and the

Carolinas. They are good enough people in their way, but having been raised in the states in which slavery exists they are not enterprising; their ways are not your ways; you would not like them. Go north, no matter if it is a wilderness, it will not be so long. It will soon be filled by people from New York and New England—the right kind of people to develop it."

"Their ways are not your ways"! Do we sufficiently reflect upon the part which the *difference* in such "ways" plays, and has played, in history, and especially in the history of a democracy, where the character and habits of each individual have a direct bearing upon the life of the nation?

"Social life," writes one of our best living historians, "is a part of history, both because the short and simple annals of the poor make up the record of the majority of mankind; and because the way we live affects and deflects political happenings." Stated in another way, this means that, underlying political institutions, there is a *social consciousness* which shapes social life and molds social institutions, and that such consciousness is the product of certain beliefs, ideals and hopes, based largely on, or worked out by, the experience of the race.

This experience, in the case of the American people, has been peculiar and distinct from that of other races. And as it does not run back into the penumbra of antiquity, it is easily ascertainable and documentable except to the wilfully ignorant or the hopelessly prejudiced.

American colonial life was not at all "a small copy of the English social life of that time." It had no controlling, if any, titled aristocracy, and few large landed owners living on their rents. Indeed in no commonwealth of the world "have the poor been so well off and the well-to-do so little encumbered with prosperity."

After the Revolution new and peculiar forces operated in shaping social life into an even more distinctly American and "non-European" character: the forces and the spirit of "the frontier." Other nations have had "frontiers," but "no state or nation, no people has been to the same extent, influenced by the element in human character growing out of the continuous opening up of new country, the repeated seeking out of new homes by the people, the constantly reflected and perpetuated spirit of *reliance upon self* as the only stable and permanent element in a constantly shifting environment."

Out of that spirit, developed by an experience which transcended a merely splendidly physical struggle, grew those "frontier traits" which are ingrained in American character, and which Professor Turner has described as "coarseness and strength combined with acuteness and inquisitiveness . . . practical inventive turn of mind, quick to find expedients . . . masterful grasp, of material things, lacking in the artistic, but powerful to effect great ends . . . restless energy . . . and a dominant individualism working for good and evil and withal that buoyancy and exuberance which comes with freedom."

With these, and through these, came quickly, on the material side, an ever expanding industrial development and a rapid growth of domestic conveniences, and, on the spiritual side, a characteristic sense of *social responsibility,* and the *nationalizing* and socializing of that "constant intent" to support "democracy by learning and the authority of the state by righteousness" which, President Coolidge not long ago told us, was the great contribution of the Puritan.

The War of 1812 had the happy result of further cementing the national spirit in these respects. By 1830 the American character and social ideals are

so well defined and distinguishable that De Tocqueville is able to give us an engaging picture of them in that "first source" document *"Democracy in America."* Thirty-five years later, out of the tragedy of the Civil War emerged those fundamental social changes in the South which completed, in fact as in spirit, the unity and singleness of the moral and social basis of the American democracy.

These social customs, assumptions and ideals, as developed and applied by the American people as *national standards of living* and *ideals* of *conduct,* constitute the practical recognition of that "PURSUIT OF HAPPINESS" which the founders of the republic included with "Life and Liberty" as inalienable rights in a democracy.

An American sociologist has summarized these historically American standards of living and social ideals of conduct as follows: "the ability to govern themselves in the ordinary affairs of life," which, with the free political institutions, they have inherited from England and "surprisingly developed" in their own history; the "social morality" of Puritan New England, which "the spirit of equality and the absence of privileged classes" have enabled them to develop and maintain: the economic well-being of the mass of the community which "affords their

working classes a degree of comfort distinguishing them from the peasants and artisans of Europe"; certain social habits "which are distinctly American, or are, at least, present in a greater degree among such people than elsewhere," and which include "love of law and order, ready acquiescence in the will of the majority, a generally humane spirit . . . a willingness to help others, a sense of humor, a good nature and a kindly manner, a national patriotism and confidence in the future of the country."

Underlying all these, and as an intimate part of all of them, is the distinctly American spirit of *self-reliance.* It is this unyielding reliance upon *self* which led and upheld both the Puritan and the pioneer, and which, despite minor differences, made them *one people,* made them *American.*

Not all people or races have chosen this principle of reliance upon *self* as the bedrock of their government or of their society. Many, among whom are some enjoying the highest civilization, have preferred to build upon the principle of *authority;* that is upon the principle of reliance on others rather than on one's self. Which of these two philosophic principles, historically or morally, is the better, or most conducive to the greatest hap-

piness for the greatest number, is not at issue here. What is germane to our subject is that, between these two far-reaching and almost opposing principles, or mental and moral points of view, the historic American stock, Puritan or pioneer, preponderantly chose and applied the former and steadily rejected the latter. That is, American civilization, as shown by its history, has unyieldingly made self-government the basis of its political, social and spiritual life; or as I have heretofore pointed out, it has stood preponderantly for self-government not only in the American state but "in the American *home,* in the American *church,* and in American *industry.*"

This spirit of self-reliance in all things is at the basis of that "Puritanism" which, when it ceased "to be merely a religious symbol" became in its nationalized and deeply American significance, the great social discipline in the republic. Vitalized "by the principles of its foundation" it became and to-day is stoutly battling to maintain itself as the great and spiritually unifying social force in the democracy.

This nationalized "Puritanism" is, even to-day, at the basis of the *character* of the American people; it is the warp upon which are woven all the

distinctly American habits and assumptions of the social and moral life of the democracy. It is not merely character, but an almost instinctive *belief* in character; and upon the continuance of the supreme place (not merely the high place) which American civilization "natively" and "instinctively" gives to such "Puritan" character—despite the flux and passing changes in its practise and observance—depends the perpetuation of "the America that was."

This fundamental adherence to faith in character, is by no means an evidence of, and still less is it here made an argument for, the superiority of American civilization; but it explains a basic difference between such civilization and others. Wider and profounder intellectual powers (working through a few or many *minds* of exceptional caliber or unusual average) have perhaps gone into the building of other civilizations than the intellect which went into the fashioning of this republic; an equal sense of righteousness and an equal faith in men may have been powerful forces in the building of governments and states other than this. But no other civilization, especially on its social and political sides, has been so steeped in, and dependent on, *character*, as the American democracy. It is

in that sense, profoundly, controllingly and unescapably, that American civilization is, and must remain "Puritan," if it is to remain "natively" American.

Now, any substantial variation from, or strain upon, this "native" and historical "moral and social consciousness" in American life and conduct is bound to produce very quickly symptoms of *malaise* in the national body-social. The symptoms will at first appear obscure and undefinable to most observers because the democracy has no written moral and social code by which to measure and define the variations from, and the breaches of, its moral and social standards.

This social *malaise* begins as a more or less widespread feeling that something is wrong; that something is more or less different from what has been the accustomed and almost instinctive ways, standards and assumptions of the social and moral life of the nation as a community. As this sense of *malaise* grows the community begins to realize that some of these differences and variations from its community standards constitute, in fact, clear transgressions, in the social and moral field, of unwritten principles which the community cherishes and lives by; and it finally clearly perceives that

these breaches of an unwritten but honored and necessary code of the body-social, have a strong analogy to the non-observance or defiance of those written principles of conduct which, in the field of jurisprudence, are called crimes and misdemeanors. It is then that the community becomes aware that while the law can reach and punish attacks upon the criminal code, it cannot reach or punish, except in a few and extreme instances, any breach of the moral and social code.

As a matter of fact, the only check to, or restraint against, violations of the unwritten but well established and cherished social and moral laws and habits of a civilized community is a *decent respect for the opinion of such community.* When this check fails, there is no legal way by which the community can defend itself. It is entirely at the mercy of any minority, however small, which refuses to honor the community customs and ideals which though unwritten, are essential to the perpetuation of social and democratic unity.

When a social community is thus challenged and finds itself powerless to defend itself legally, one of two things is likely to happen, as has always happened in history in such cases. Either that particular type of social life will disintegrate and

change; or, if the community has any vitality and faith in itself, it will react and seek for effective means of self-defense.

Immigration, or, more exactly, that cohering and aggressive mass-alienage such as we have seen operating in other fields of the life of the nation, is undoubtedly playing a very important part in that *malaise* which to-day gravely troubles the body-social of the democracy.

There are "social statistics" which might be used to show the burden which the American social system is carrying, and under which it is sagging, by reason of too large and too variant masses of social and moral alienage; statistics for example of housing, of crime and dependency, of illiteracy, pauperism and insanity. I shall not use them because, in my opinion, they have only a relative value, even when they are not somewhat misleading. Social phenomena cannot be "established" or proved merely by "figures" and statistics, or the "facts" called for in a court of law. I shall, therefore, use no debatable data, but confine myself to those statistics about which there can be neither argument nor doubt: the United States Census statistics of visible, countable and physically ascertainable things: the *mass* of our immigration, and the *time* when it came here.

Now, these statistics tell us:

First, that the immigrant mass in this country was constituted by nearly *thirty-four million individuals,* and their descendants;

Second, that such immigrant mass reached our shores during a period of *one hundred years.*

But of that mass of some thirty-four million immigrants *not one* came here *before* 1820; that is, before the adoption of the Constitution, or before the administrations of Washington, John Adams, Jefferson, Madison and Monroe; or before any national war was fought from that of the Revolution to that of 1812.

In fact, of these thirty-four million *only* 137,000 (or about 1/350th part of that mass) were here in 1830, or before the inauguration of Andrew Jackson.

Less (considerably less) than *one* million were here when General Harrison was elected President of the United States.

A scant *one-seventh* of these thirty-four millions came here *before* the *Civil War began,* or could have voted for the election of Abraham Lincoln.

Nearly *five million* came during the twenty years *after* the *Civil War.*

Over *seven* and *one-half millions* came between

Garfield's and *Roosevelt's* elections to the Presidency, that is between 1880 and 1900.

Over *nine millions* were not here to vote for, or against, Theodore Roosevelt as President of the United States.

Having thus visualized the *mass* of our immigrant elements, and the *time* at which it expanded, we may draw two conclusions:

First, that the time of the advent of these millions of immigrants confirms what we have elsewhere contended—that this mass could have had little, if any, influence in shaping our basic *political institutions.*

Second, that the very "rawness" and lack of seasoned experience with American civilization of this vast mass-alienage, so rapidly thrown upon the country and so suddenly given an "equality" with the historic American stock, must necessarily exert a great pressure upon the more sensitive *social* life of the democracy.

It is this pressure or strain upon the body-social which we shall now briefly consider.

When we face manifestations and phenomena in the social field which cannot be measured or tested by "instruments of precision" or by strictly "laboratory methods," the argument and the appeal can

best be made, and should be made, to the common sense intelligence and the sense of fairness of "the man in the street." He is not only in direct touch with such social phenomena but he sees them operating in his home, among his children that go to school, in his down-town office or his out-of-town golf club. They set him thinking of things he had never considered, and create daily problems for him and new "adjustments" which he had not dreamed of in his philosophy.

Now what I ask of the average American is this: Is it unreasonable to assert that this vast number of immigrants, this mass-alienage as I have called it, *must* and does influence "beneficially, or otherwise, our health, our morality, our industry, our education, our politics, our standard of living—in a word—our whole economic and social fabric?" That it must influence such fabric, irrespective of its intentions or its loyalty, but *by sheer weight of numbers*, if by nothing else? And I ask this, even without considering any more current and controlling facts such as these: that of those thirty-four millions who came here from foreign lands in one hundred years, 13,712,754 still survive among us (census of 1920) and 15,694,000 are the children living to-day who had either a father or a mother

among that alien mass; that one out of every *six whites* in this country, *to-day,* is foreign-born and belongs to one of *thirty different nationalities* and has one of *thirty* different *languages* as his mother-tongue.

It is no answer, and it has become distinctly misleading, to point to our Michael Pupins, or our Edward Boks, as proof of the desirability of such alienage. The problem is a sociological one; it does not deal with *individuals*, but with *masses;* its concern is not with specific successes or specific failures, but with *general averages.* Just as you cannot impute the vices and the crimes of a few immigrants to the racial group to which those few belong, neither can you attribute the virtues and the character of a few outstanding "alien-Americans" to the immigrant stock of which they are a cultural part. The trouble is that New-Stock spokesmen and some Old-Stock "liberals" recognize the law of averages when it comes to the good qualities of the immigrant; they vehemently deny it, or quietly "side-step" it when his deficiencies are involved.

It is, therefore, both the "suddenness" and the massiveness (with the resulting coherence and aggressiveness which we have considered in pre-

vious chapters) of our immigrant-alienage which *"threaten seriously to modify our whole social structure."* And they threaten it, not because of any inherent inferiority or superiority, but because that cohering mass is a mass of social and moral views, customs, ideals, and "WAYS" *different* in varying degrees, from those of the American people.

Because you cannot establish by "legal evidence" that the mass-pressure of our social and moral alienage is modifying our social life and ideals, it does not follow that such pressure is not operating. The effects of such mass-alienage are not as quickly and as clearly "visible" in the social field as they are in that of politics; but *they are even more disintegrating and revolutionary.* Many years ago the pioneer American student of the social effects of immigration, wrote: "The changes in social ideals wrought by the infiltration of peoples having different customs of life can be detected only as these elements of life gradually become dominant and as we see the decay of habitudes which we had valued."

What that scholar and sociologist nearly two decades ago *knew* would happen, the American people are to-day beginning to *feel* is actually tak-

ing place. Because, as heretofore explained, their distinctive social and moral ideals are not defined in any code, the changes in habits and social ideals seem to many of them obscure; and this uncertainty is accentuated, when it is not exploited, by the insistence of the New Stock that those habits and ideals are "still in the making" and that therefore there is no good in hoping to use them as standards and tests in American social and moral life to-day.

But history is there, and that, until some of our New-Stock revisionists re-write it, is amply and conclusively sufficient to apprise the American people of the definite and definable social and moral forces which have made this democracy American. And only by allowing and seeing to it that those same social and moral forces continue to operate, unchanged and unmodified, can the democracy be perpetuated and kept American.

The danger which the American people *feel,* they have been expressing as a regret that "the America that was" is passing. It does indeed seem as if there were ample reason for such anxiety. Is there a single one of the characteristics, customs and ideals in the social life of the American democracy which we outlined at the beginning that has not, to some extent, been affected or modified little or

much,—improved and "liberalized" if so you wish to call it,—but, in some respects, or in some implications distinctly *changed?*

Yes, "the America our fathers knew" seems to be passing, in its big and in its little things: in its "American spirit . . . in its American ideals of respect for law and order and for our form of government . . . in those characteristics of fairness and honesty in sport . . . of integrity for one's word," in the vital necessity for "truthfulness . . . and straightforwardness" in all relations private or public, professional or commercial, and in those practical virtues so essential in democratic society, "moderation, self-restraint and sense of fair play."

There were exploiters of labor in "the America that was," but the free American laborer did not have to struggle to maintain his standards of living and of decency; labor and capital fought, but *sabotage* was not one of the weapons used. American women worked and were over-worked, but woman-labor was not an industrial question. "Women in Europe," said our Commissioner of Immigration when we recently talked over some of the effects of immigration on our social life, "do not work from capitalistic urge, but from economic

necessity. In the United States it has been fundamental that women should work only if they wanted to. Anything that draws women into the working class in this country should be watched."

There were crooked lawyers and corrupt judges in "the America that was," but the American Bench and Bar did not need, as they allege they need to-day, a written Code of Ethics to know the right and wrong of professional and judicial conduct.

There were cheats and profiteers among the merchants and manufacturers of "the America that was," but the American business man did not need the "dont's" of the Secretary of Commerce, or the "Ten Commandments" of a Chamber of Commerce to ascertain what was square dealing.

There were crooks and cheats in "the America that was," but American sport did not need a trained judicial "Czar" to settle what was fair play. And there was vice; but the American community did not then need an official censorship to "rule out" what was lascivious or corrupting in what the people read or looked at.

The "America that was" had its Puritan intolerance; but it also honored its Puritan discipline. It had its immorality, but that immorality was not

played upon for "art's sake," or for the sake of money, or, least of all, for "truth's sake." It had its Blue Laws to compel some of its members to "observe" at least with outward decency, the Lord's Day as holy; but it was not those laws, but a decent regard for the opinions of the community that kept *all* men from commercializing it. And it had its unpopular and its wrong laws, but the America that was did not have whole sections of its population disregard and defy them.

Yes, "the America our fathers knew" *is* threatened, and the fear in the hearts of the American people is not the result of prejudice or intolerance. With a clearer comprehension and a more inquiring consciousness of the essentials of their history and of their civilization, they are beginning to realize that what they fear about the passing of America, will become a reality not as a result of any "racial conspiracy," or "Popish plot," or "British propaganda," or other more or less fanciful assumptions and vagaries, but through the sheer force of a huge *mass* of *alienage* thrown into, and unleavened by, American civilization, operating through the uncontrollable and often unconscious forces of heredity, of racial psychology and racial will-to-achieve.

And that is why what was a sad regret at the passing of "the America that was" is becoming an ever increasingly resolute and a steadily more stern resolve to keep it as "the America the fathers knew."

The capacity, not merely for self-government but for an all-inclusive democratic life, is the birthright of the American people; they have shown it in the genesis and development of both their state and their society. They ought not to lose their birthright "by admitting to their communion those who cannot practise it."

That birthright was not native to these shores; it was not part of that virgin and undeveloped country which was open and free to all men and to all civilizations. It was not, as too many of the New Stock assume, "natural and self-evident" or achievable either by "process of law," or through mere desire in the individual. The fact is that you and I of the New Stock are in the enjoyment of the blessings and the benefits of that birthright to-day only by reason "of age-old effort and the constant sacrifice of treasure and blood finally wrought into standing laws" by the American people, in which you and I had no part.

To this birthright and to the only process by

which it can be won and maintained the American people have given a simple and truthfully descriptive name. They have called it "the frontier spirit."

"The Frontier," as a stirring chronicler of the process of *real* Americanization tells us, "has been the lasting and ineradicable influence for the good of the United States. It was there we showed our fighting edge, our unconquerable resolution, our undying faith. There for a time at least WE WERE AMERICANS. We had our frontier. We shall do ill indeed if we forget and abandon its strong lessons, its great hopes, its splendid human dreams."

CHAPTER VI

THE NATIONAL ISSUE OF A COMMON LANGUAGE

"We all agree, I take it, that it is desirable that all the citizens of the United States should speak a common tongue, and therefore that the end aimed at by the statute is a lawful and proper one."—*From the Dissenting Minority Opinion of Justice Oliver Wendell Holmes, concurred in by Mr. Justice Sutherland in the United States Supreme Court case of Meyer vs. The State of Nebraska.*

IT IS a strange but significant fact that many of our immigrant groups, when they set up their churches here, assume that God does not understand the language of their land of adoption.

This self-delusion—if it is that—dates far back in the history of immigration to the United States.

Over a hundred years ago, a clear-headed and independent American Judge endeavored to prick this bubble by stating in a learned opinion that "to Omniscience all languages are known as well as the inwardness of the human heart." And as the defendants before the Court were German Lutherans, who alleged a deep anxiety lest the use of English in their services would destroy "the object of their

religious institutions," the learned Justice, actually quoted the views of the founder of German Lutheranism against them.

Martin Luther, he pointed out, had thus written: "I do not hold it with those in any way, who pin themselves to one language only, and despise all others, for I wish to raise our youth and people so that they may become serviceable to Christ, in *other and strange* countries, and be able to converse with the inhabitants; otherwise we shall fall into the predicament of the Waldensians, in Bohemia, *who have kept their faith so long a prisoner to their language that* they cannot converse with any one, so as to be understood, unless he first learns their language. . . ."

These words were written by the great Reformer four centuries ago, and an American Court quoted them to German-Americans over one hundred years ago. And yet, to this day, immigrants, and the children and grandchildren, and even the great great grandchildren of immigrants of various religious sects in this country still maintain, in and out of court, that it is an invasion of *religious* liberty and of freedom of *worship* for the American State and American public opinion to expect and to demand that English—the language of the American

people—shall not be considered a "strange tongue" in the churches of this land.

This is but another of the sophistries and the misreadings of history with which some of our New-Stock leaders endeavor to blur in the mind of the people the fundamental duties we all owe to the American democracy. For, nothing is so indispensable to *national unity,* with us as with other peoples, *as a common language.*

None can be more distinctly aware of this than the mass of immigrants from Europe, or elsewhere, who have come and settled in this country of their own free will, and who have pledged to it their undivided allegiance.

Vast numbers of them know by their own personal experience in their land of origin, or by the larger and at times tragic experience of their race, how essential to national unity is the unity of language. It is a cherished commonplace among Bohemian patriots that "as long as the language lives the nation is not dead." Italian immigrants, no matter how unschooled or from what corner of Italy, know as folk-lore if not as history, the dramatic century-old struggle of their race to maintain *Italia Irredenta* Italian by keeping alive within its alien-ruled boundaries, the language of Dante.

The Scandinavians among us must surely know that it was a Norwegian Premier who said, "Political freedom is not the deepest and greatest. Greater is it for a nation to preserve her intellectual inheritance in her native tongue." The Germans among us certainly realize the unifying and nationalizing power of a common language. Indeed it is one of their race trained in German schools but living among us who has written: "A common language is more essential than the ties of blood for the knitting of a people into a nation, and those who have the task of shaping diverse elements into a common unit . . . know that people who use the same terms will shape their lives by the same mould. . . ."

Undeniably and unchallengeably therefore most of our immigrants must know that a common language is one of the most significant and essential facts of national union. Yet *they deny it to America.* They know it has been a pre-conditional factor indispensable to every civilized country struggling to live as a united people, as a well-knit nation, as a civilization with definite national principles and ideals, yet thousands—hundreds of thousands of them—refuse to recognize their obligations and their duty as American citizens to uphold a common

language for the American democracy. Worse than that hundreds of thousands of them have zealously and aggressively fought, in and out of court, to *prevent* such linguistic unity in this, their adopted country.

Is it strange, then, that when these elements in the body-politic of the republic assert and insist that they are wholly and intimately American, public opinion, with increasing sweep, challenges the sincerity of their patriotic protestations? It matters not whether it is the old Scandinavian stock in Minnesota, the even older German stock in Wisconsin and Pennsylvania, or the newer Italian and Polish stock in New York and New England; the insistent, aggressive effort of them all—their political, cultural or so-called religious campaigns and activities—to maintain and perpetuate in this country the "mother-tongue" of their lands of racial origin, is in fact and in morals, de-nationalizing, unpatriotic and anti-American.

At this time, when the democracy is struggling against heavy odds to maintain the character and spirit of its institutions—at this time especially—the country may well challenge the blatant patriotism of those countless organizations, lodges, *vereins*, "social clubs," foreign-tongue-newspapers,

"cultural" societies—nationalistic, "educational" or "religious"—which refuse in practise, to face the ancient but ever new moral issue that no man can serve two masters; organizations which actively seek to introduce even in our public schools (where there is hardly time or proper opportunity to train our people in the use of English or in the effective acquirement of American history) the teaching of the various languages of the countries from which the immigrants to our great cities come.

When the New York Board of Aldermen finds it necessary to refuse to pass an ordinance compelling an English translation of foreign-language advertisements in the metropolitan street cars and railways on the ground that it would "annoy and harass a very considerable portion of the population of this city who wish to address their fellow-citizens in their native-tongue,"—when this is an official view of the linguistic situation in the largest cities, what necessity can there be for the teaching of foreign languages to the children in the public schools of that metropolis? When the representatives of Italian organizations in another good-sized city of the Empire State tell the Board of Education that the establishment of Italian "as a compulsory subject in the schools is imperative," because "the

majority are of Italian extraction," can those "representative" Italo-Americans maintain that they should be considered "American" except in the most formalistic sense?

When the historian of the Franco-American press could write in the early days of French-Canadian immigration to our Atlantic States that those immigrants were "trembling upon the abyss of assimilation" because they supported less newspapers printed in French than they do now in New England, need we be stampeded in the name of "freedom" into favoring more newspapers, more schools, more churches, of, for and by French-minded "Americans"? When it is estimated that some four hundred books have been published in this country by Swedish writers living here, and that one at least of the principal publishing houses in the United States which publish such Swedish literature in our midst is "associated with the largest publishing company in Sweden," may we not ask our Scandinavian-Americans why, to-day, they need a new magazine in the United States "devoted to the interests of Scandinavians everywhere"?

Why the interests of Scandinavians? Why the interests of Italians, or of Poles, or of Russians or

of Germans? Why not the interests of America? Cannot the Wisconsians and Pennsylvanians of German descent safely leave the perpetuation of the language of Goethe and of Schiller to the sixty million Germans of the Reich? Cannot the Americans of Italian stock entrust the maintenance of the great civilization of Rome to the forty million Italians in that historic land? Is not the culture of the Scandinavian peoples safe with the inhabitants of the Baltic peninsula?

There has been a great deal of finely-phrased nonsense and spurious scholarship as to the "contribution" of our immigrant masses to American culture and American civilization.

Some of our New-Stock students "learnedly" argue as if, for example, the undoubted influence of Italian culture upon English letters might have been the result of the influx of Calabrian and Tuscan peasants into Elizabethan England! As a matter of fact and of history, culture is not "carried" from one civilized country into another "by way of Ellis Island." Indeed the inflow into any civilization of large masses of alien peoples, especially of the peasant class as most of our best immigrants have been, never did, and never can contribute to the culture of the nation that receives them.

We need not, and should not, therefore, seriously consider the pretentions of some of the "de-peasantized," pseudo-scholars of our various foreign "colonies" or of the distinctly culturally alien writers in some of our foreign-language literary publications. But a frank and earnest appeal may and should be made to the real intellectuals and the real scholars among our racial elements, to use their learning and their moral leadership against the encouragement of the lingual and cultural *separateness* which some racial groups are actively endeavoring to perpetuate in the republic.

Let these real leaders of their people, devoted and loyal sons of the democracy as they undoubtedly mean to be, search their consciences *as Americans.* They will then quickly realize that what this, their country, needs to-day, and needs in an urgent and supreme way, is the unity which comes from a common language, with *all* which that implies. Then will they understand, if they do not vision it now, that what America is to-day struggling for—battling perhaps as through a glass darkly and not, perchance always by the wisest means,—yet struggling impellingly and vitally,—is for a profoundly national and democratic purpose and end: *to save the nation from again becoming a "house divided against itself."*

It was a "hyphenate-American" and an avowed pacifist at that, but an honest man and an earnest scholar who, in the midst of the terrible emotional strain preceding our entry into the World War, had the courage to speak to the people of his own stock in this country in these plain words: "A cleavage in the language now would mean to us a cleavage of the nation in its most vulnerable if not its most essential part. . . . We might survive with the spirit cut in two ('part German or part English'); but should our German-born citizens be successful in making German co-equal with English in our public schools, the Bohemians, who hate the very sound of the German language, will demand a similar chance for the Czech tongue, and they know how to fight for what they want."

It is the intellectual integrity and moral courage which dictated those words that the American democracy is entitled to, and to-day imperatively demands of the intellectual leaders who are emerging, in increasing numbers, from the unleavened masses of our immigrant elements. This, as much as their unchallenged willingness to lay down their lives for the safety of the country, does the American democracy demand of all those younger men, of the second and third generation of our immigrant

stocks, who to-day as teachers and professors in our schools and colleges, or as religious leaders in the pulpits of "racially conscious communities," Protestant, Catholic or Jewish, can do so much in breaking down this barrier to American spiritual unity.

This the republic asks of the aspiring young men and women of foreign blood who, to-day, in editorial positions of great responsibility, or as writers, artists and dramatists, can wield such a tremendous influence upon their people, for good or evil toward the unity of this, our Common Country.

Above all the nation demands it of each and every one of those political leaders of "immigrant constituencies" who, because of their official status in legislative or judicial office, owe a double trust and a double duty to the democracy they have publicly sworn to protect and defend.

Especially to-day, at a time of great self-searching of the national conscience, does America demand of all those intellectual and more fortunate children of our racial elements that they shall desist from those movements and "campaigns" carried on in the name of "cultural" or "religious" freedom, to *prevent* the perpetuation in the United States of a common language of and for all the American people.

That common language, let them honestly and earnestly ponder, is not sought to be "imposed" by the republic as an instrument of oppression, but as the liberalizing and unifying heritage of a great civilization—of a civilization which all who live and participate in the democracy must gradually, slowly, and painfully even if it need be, make their own, if they are to be truly American.

What the democracy has to give in this field, and what all who are participants in her life should be anxious and proud to accept, is no mean or patchwork cultural patrimony, but a noble heritage well worthy of valiant defense.

It is a patrimony which in the course of human history "has appealed to a public numerically greater than any other literature has known"; it is the heritage of the "most alert and plastic portion" of that great English-speaking public which "has spent the century in one of the noblest of human adventures"—the building of the American democracy; which has conquered a wilderness, founded and brought to maturity commonwealths of vast extent, population and wealth; which has fought the greatest of civil wars for the sake of an idea and survived the conflict because of that idea's vital force; . . . and which with it all, has striven

as no people ever strove before so to organize its experience and knowledge as to make them available for its children by a system of free public education."

This is the culture to which we, New-Stock Americans, must primarily and principally dedicate ourselves as our "contribution" to American democratic life. And the unfailing and surest way is to stand unyieldingly for the English language as the language of this, our country.

"Cursed be he that removeth his neighbor's landmark," saith the Deuteronomist. "Thrice cursed," as the author whom I have quoted freely above says, "thrice cursed let him be who would re-enact Babel and introduce schism" into the mother-tongue of the American people.

CHAPTER VII

THE NATIONAL ISSUE OF A COMMON SCHOOL

"If any beggar for a church school oppose a local tax for schools or a higher school tax, take him to the huts of the forgotten women and children, and in their hopeless presence remind him that the church system of education has not touched tens of thousands of these lives and ask him whether he thinks it wrong that the commonwealth should educate them."—*Walter H. Page, American Ambassador to Great Britain during the World War.*

UNDER the 1920 United States Census, Louisiana is the state with the highest percentage of illiteracy (21.9 per cent.). The presence of about half a million negroes (above ten years of age) in the total population of that state (ten years of age and over) of about a million and a third, is undoubtedly the greatest factor in the record of illiteracy held by Louisiana.

The presence of foreign-born whites also contributes to the figures of illiteracy. In 1920 of some 44,000 of such whites in Louisiana 21.9 per cent. were illiterate.

Of the remaining elements in the population of that state—the 784,198 native whites (ten years of

age and over)—81,957, or 10.5 per cent. could not read or write. No other state in the Union had such a high percentage of *native white* illiteracy. North Carolina, ranking second in this discouraging record, has a percentage of 8.2; Alabama comes third with a percentage of 6.3, followed closely by Tennessee. At the other end of the scale, we have California, Connecticut and Iowa with less than one per cent. of native white illiterates.

What circumstances or forces, other than those evidenced by the data of the Federal Census, have prevented or retarded in the past that universal schooling of the people of Louisana, that free popular education without which the American democracy cannot endure? What factors have there been which would escape a merely statistical analysis?

In seeking the answer let us go to that interesting state whose romantic history has been the theme of artists and poets. But let us visit it primarily with this one fact in view—that Louisiana is the oldest of our many and varied experiments in assimilating or "Americanizing" an alien, non-Anglo-Saxon stock possessed of a distinct culture of its own.

It was on December 20, 1803, that General James

Wilkinson of the United States Army, with a contingent of Ohio, Kentucky and Tennessee militia, took possession of Louisiana Territory. On that day one hundred twenty years ago, in what is now Jackson Square, New Orleans, "Citizen" Laussat, French Colonial Prefect, formally released all Louisianians from allegiance to France; and W. C. C. Clairborne, on behalf of the American Government, followed with "a conciliatory address in English, a language understood by not a third of his hearers." As the latest historian of this region describes this ceremony (which is the beginning of our inquiry): "The French flag began its descent from the staff in the center of the square and at the same time the American flag began its ascent. As the two met and paused midway in seeming salutation, each of the other, a gun was fired. This was a signal to the forts on the outskirts of the city and to the vessels in port to discharge their many salvos. The major portion of the large crowd assembled looked on in apparent unconcern; a small contingent of Americans cheered as the flag of their country arose."

Now let us go and visit some of the descendants of that large crowd which looked on in apparent unconcern at that ceremony which brought into

their midst not only the flag, but the political, social and cultural influences of the American democracy.

We leave New Orleans, cross the Mississippi and travel westward into the land of the Acadians. We are almost immediately in that "Cajun" country, as far as the names of the stations go; Paradis, Allemands, Rousseau, Lafourche and Boeuf. In between there are a few Anglo-Saxon names, like the towns of Bowie, Gibson and Morgan City, hard pressed, numerically, by Italian names on the "general stores" near the railroad stations—the Bellas, the Di Micellis, and the Riccis whose Sicilian fellow-nationals have already captured the so-called "French Market" in New Orleans.

But at the Atchafalaya River, into which the romantic Têche flows, the non-Gallic flood seems to recede; the French names here have few rivals, and the church steeples and cupolas, the saints' figures on some of the church façades, are not what Anglo-Saxons generally set up in the wilderness.

We stop off at one of these towns and put up at the local hostelry. Out in the hall I can hear the maids chattering in the French of the country; they speak too fast for me to detect whether American words are worked in with the "mother-

tongue"; but all the inflections and cadences, the subtle distinctive "notes" of the Gallic language are there. Indeed they are so ingrained that they cannot be dropped even when the maids speak their halting English. The Cajun waiters taking orders from Yankee travelers and drummers are far more hesitant in their English than in their mother-tongue. The young man at the newspaper stand (being in more direct contact with English literature, I suppose!) is more at home in the language of Hawthorne; but he has compensated this initial bad start for a Cajun by studying French in school. For apparently, if a Cajun is not born into the Gallic tongue, it is his first duty to acquire it. Outside, on the country road, the piccaninny who wants a ride in my car hails me in French! I let him in and he and the Cajun driver converse in both the English and Gallic tongues. Both are a form of patois, but neither the Cajun's nor the negro's English sounded as "English" as their French sounded "French." This ten-year-old negro boy who had learned "French" had, however, learned nothing else. He had never gone to school.

In the large Roman Catholic Church in the town the sermon is preached in both French and English. Most of the Cajun farmers who come to town on

Sundays and feast days for Mass speak only French. The priests must be bilingual, when, as is sometimes the case, they are not French born; otherwise, in this century-old section of the United States in 1924, they could not preach to their "American" flocks. But this bilingual necessity is limited to the larger towns such as New Orleans where, as in the old cathedral, separate missions are still held, one week for the French-speaking faithful and one week for the English tongue. Out in the Acadian country, however, the good *Missionaires de la Salette* have little need even to-day for such duplication of duties. Their leaflets, as their prayers and their sermons, are in one language, and that language French.

The negroes in these parishes have acquired not only their masters' patois but also their religion. Until a while ago they went to the same Catholic church as their white co-religionists. Now, in this town, the negroes have a "French" Catholic church of their own. And while there are no negro priests there are colored Sisters of Charity.

I looked about the town; it has its Main Street, its court-house and its post-office, its town hall and its public school—every outward mark and symbol of American democracy. And everybody

on Main Street speaks the English of that great American highway. Nevertheless, going about, I had a strange feeling that, somehow, the American democracy did not go very far beyond Main Street. There was a school, a very large school, just outside, with several teaching Brothers, and a large attendance of boys; and just across the romantic Têche there was an Ursuline Convent School for girls. The boys and the girls were American and there was plenty of room for them in the public school of the town, which was free to all, and was a good school such as a town which raised one of its citizens for the United States Senate is certain to have. Yet the parents of many of these boys and girls, somehow, preferred to spend money (over and above the taxes which seemed so hard to pay!) to have their children attend the "other schools."

I chose a student of those "other schools" to drive me about "Acadia." I chose him from among many applicants for the job because he looked the most "American" among them. Perhaps it was the new Ford in which he was to drive me that created this illusion. François, son of Pierre, assured me, after we had started and had become friendly, that you "can always tell a Cajun by his English" just as he was sure I had known

that he, too, was a Cajun when he first spoke to me; but it was not so much his language that interested me; it was his point of view. He hated to think of life in a cold climate; and he, like others to whom I talked, seemed to dread anything which involved struggle; anything that meant a change of ways and habits. For a boy of twenty he seemed to be terribly satisfied with what was, because, apparently, as far as he cared, it had ever been. *"On ne peut pas effaçer des vielles habitudes par un simple geste"* was the stock argument against Prohibition, for instance, among François' people; the simple *geste* being, of course, the Eighteenth Amendment to the Constitution of the United States. For these Cajuns live primarily on the old habits of their race. In their rural life it is the racial past which pulses in calm, slow, deliberate throbs beneath the outward and artificial "hustle" of the "Americanized" towns. Theirs is still distinctly the life, and the outlook-on-life, of French peasant folk, of which adherence to the mother-tongue is but an incident—the most striking incident to the American observer because it is the most obvious.

François and I spent some days together traveling about the Cajun parishes. Everywhere French

remains the mother-tongue, because everywhere it is the language of the home and of the Church, and there is no question that, when the children of these Cajun farmers go to the "other schools," the linguistic as well as some other cultural influences are anything but distinctly American. To this day United States officials in these parishes need interpreters in taking depositions.

Our last trip we devoted to a quest of the romantic, visiting churches and famous places in "Acadia." The old church at St. Martinsville, which has fired the imagination of some writers, had, I thought, none of the distinction of a hundred unsung New England meeting-houses; and the "Evangeline Oak" in the shadow of a convent school had to struggle hard to look even distantly poetic.

Perhaps I was out of mood for such things; perhaps my mind had been more on the leaflets and pamphlets I had found on sale in the vestibule of these and other places of worship; booklets in defense of the parochial school, side by side with religious tracts; notices of Church missions mixed up with appeals to the "Catholic laymen of Louisiana" to pay their poll tax so that they might vote and thereby make their "*Catholic citizenship appar-*

ent to all men." Yes, it all seemed quite strange and alien, when stripped of its romantic atmosphere! American civilization had been there for a century, including the American public school, a free school for all the people; but how many of these people had accepted it?

I have before me one of the text-books which have been in use in some of those "other schools." It was published some twenty years after the Civil War and is still on the bookstalls. On its first page it carried the "*Approbation de Mgr. l'Archevêque de la Nouvelle Orleans.*" Freely translated this archiepiscopal approval says: "We have had examined a book entitled '*Histoire de la Louisiane, racontée aux Enfants Louisianais*' written in French. From a report made to us, this book breathes sentiments truly Catholic, and, evoking the remembrance of France, the mother country of our Creole population, deserves to be published, and we recommend it to our Catholic schools, parochial and otherwise."

What are some of these "truly Catholic sentiments" which this history, written for the instruction of children who, though *enfants Louisianais,* were and are Americans? Are these sentiments to be found in the chapter describing the taking over

of Louisiana by the United States Government, which in this history is called *"la Domination Americaine"?* Or are they to be found in the following translated passage:

"We must here notice, my children, the importance which our forebears attached to the maintenance of the French language in Louisiana. They fully realized all that the introduction of a foreign language would make them lose of their rights. For it is not a theoretic question, this question of language, but a question of *independence* and *nationality.*"

If these be "truly Catholic" aspirations, their sponsors may justly claim considerable success in making the commonwealth of Louisiana live up to them notwithstanding a century of *"domination Americaine."* For the State Convention, which in the year 1921 gave Louisiana a newly revised Constitution, made the literacy qualification for the exercise of the electoral franchise, the ability of a citizen to write his application for registration "in the English language, or his *mother-tongue"!*

These were some of the thoughts which crowded my mind on the train back to New Orleans; to the city whose 195,617 church members are three-quarters (147,696) communicants of the Roman Cath-

olic Church; to the great city whose handful of foreign-born whites have as high a percentage of illiteracy as New York City with its two millions of white immigrants; the city with eighty-eight free public schools and one hundred twenty-five paid private schools; the largest American city in the South whose Roman Catholic Bishops *for more than one hundred years,* up to 1917, *have all been foreign-born.*

Is it not strange, I asked myself, that this great southern metropolis of the United States, this distinctly and representatively American Catholic city, should have had during a hundred years of national life, only foreign-born Catholic Archbishops, as the choice of the Holy See at Rome? That from 1803 to 1917 *every one* of the prelates at the head of this great American diocese should have been alien-born and, largely, alien-trained—six from France, one from Holland, one from Italy, one from Belgium, and one from Bavaria? Does not this long succession of foreign-born (however distinguished and pious) prelates, as final arbiters of all matters of faith and morals of thousands and hundreds of thousands of native Americans of Louisiana, seem strangely out of harmony with the *spirit* of American institutions? And I thought by

contrast of the gallant fight made in the Louisiana Constitutional Convention of 1845 by John Randolph Grymes, born in Old Virginia, against the attempt in that Convention to make foreign-born citizens eligible to the governorship of that commonwealth. The privilege "of making sure that a foreigner shall never sit in the highest seat of our state," this old American boldly yet humbly told the Convention, "is the sole right which belongs to him whose ancestors founded its government. And that man must be either very malicious or steeped in ambition, who would attempt to dispute this little point of greatness, this slight distinction in the midst of the débris with which, for long years to come, we will be encumbered!"

Have Catholic Americans considered, I wondered —the great mass of devoted and loyal Roman Catholics of the republic—how preponderating a part of all Catholic education, high and low, in the United States (of education as cultural and not as religious training) has been, and to a large extent remains, the work of *alien, foreign-born,* or *foreign-trained teachers,* from the distinguished French-born founder and organizer of Georgetown University of nearly a century ago, to the humble Sisters who to-day teach (the Constitution notwithstand-

ing) in some of the so-called public schools of Spanish-American Catholic New Mexico.

Now, is it unfair to ask, as a matter of grave national importance, whether such a large proportion (rising in some cases to an actual preponderance) of culturally alien church-officials and clerical teachers in *any* educational system for American children is of benefit to the cause of popular education in this country? Does such a system reflect the spirit or the history of the American democracy?

It is a question that may justly be asked of all church school systems of secondary education in the United States; but it must be asked particularly of the Roman Catholic parochial school system for two reasons: because of its vast organized expansion all over this broad land, and because it is actively, even aggressively, defended by the Roman Catholic hierarchy as distinctly democratic and unchallengeably *American.*

The state of Louisiana offers a good field for an inquiry into this question because that commonwealth presents a well-defined historic example within the nation of a predominantly non-Anglo-Saxon people, whose church communicants are preponderantly, even to-day, members of the

Roman Catholic Church. As such, under our form of government, they have had an unhampered opportunity in the past one hundred years powerfully to contribute in working out in their state the problem of popular education.

Can they reasonably avoid their substantial share of responsibility for the record of illiteracy as disclosed by the census of 1920? In asking this, one does not overlook the encouraging efforts now being made by the people of the state to cut down the high percentage of illiteracy. Indeed the question is asked as an aid to such efforts; for there is no better way of speeding up and making effective present endeavors than to inquire as to the forces or circumstances which impeded or retarded in the past the more effective state-wide establishment in that commonwealth of free, popular secondary schools.

It was with this in view that, early in my inquiry, I addressed a letter to the highest educational official of Louisiana, asking for his opinion as to the causes which contributed to such a high percentage of illiteracy in his state. In his official reply the State Superintendent of Education of that commonwealth explained that such widespread illiteracy was traceable to "two facts."

The first was the large percentage of negroes, "constituting nearly half of our population"; the second he described as follows: "the population in about twenty of our parishes is largely Latin, and until about twenty years ago it was generally understood by every one that the Church would make ample provision for the education of the children. The Church was able to reach only a small percentage of the children, and naturally many people grew up illiterate. Thousands of these people are yet living and, until they die, our illiteracy will necessarily be high."

It should be added, however, that the Superintendent of Public Education of Louisiana believes that what is important is a consideration of the very encouraging efforts being made all over his state, and by people of all sects and cultures, in public and parochial schools, to reduce the disturbing record of illiteracy as shown by the statistics of 1920. On the other hand, my inquiry into the *causes* which contributed to a situation, not in a remote past, but as revealed by the Fourteenth Census taken by the United States since his state accepted American institutions (including the American system of free public education), seems to him, at the very least "ungenerous." He,

apparently, cannot see that a study of such causes is a powerful aid in accentuating, clarifying in purpose and aim, and making more effective, present efforts all over his state. He does not deny the causes officially set forth by him in reply to the specific inquiry as to what contributed to such illiteracy, but he deems them irrelevant. As he wrote in a subsequent communication: "Our adult illiteracy came about as the result of well-known causes. Whether the people who were responsible for permitting such conditions were justifiable in their acts or not is of no importance. All of that is in the past."

With such dismissal of the past, recent or remote, some students, and especially educators, will take sharp issue; carried to its logical conclusion such an assumption would scrap all history just as it impliedly denies the preeminent educational value of the past as the basis for future improvement and progress.

As a matter of fact, however, it is *not* "all in the past" even in the state of Louisiana, as may be seen by the following example in the current life of that commonwealth. It is from an editorial which appeared in a reputable newspaper in one of the Acadian parishes not long before the announce-

ment by the Superintendent of Education that "all of that is in the past." I shall quote somewhat at length from this editorial because it sets forth with excellent diction and even more admirable restraint and quiet courage, some of the subtler forces *still operating* against a more effective and wide-spread establishment of the American Public School in Louisiana.

It begins by describing this particular section of southwestern Louisiana which, "when carved out of an older parish" drew thousands of outsiders "from the Southern States and from the North, East and West." These new homeseekers were "from lands where educational opportunities were abundant" and they saw that "the greatest need of the Acadian country was education. . . ." And so they and their descendants set themselves actively to this inspiring task until what was "one of the most illiterate parishes in the most illiterate state in the Union" could boast of schools which could "take rank with the best in the land."

From the very beginning of this good fight, however, "there were obstructionists." These were, largely, men "to whom *it meant nothing* . . . when they saw the first proceeds from the first town lot sales . . . and from land sales elsewhere in the

parish, *turned into the public coffers for the building and equipping of school houses* and the improvement of roads. Their fathers had not had these things, and children of these fathers could not see that they were necessary." And so it came about that "they did not hesitate *to affix their mark,* in lieu of a signature, to *any movement opposing good schools and roads.*"

This, of course, was in the past. But in March 1924, in the one hundred-and-twenty-first year of Louisiana's life in the American democracy, in this very parish, there was held an election "calling for funds with which to continue the operation of the schools upon the present standard," for funds necessary to meet the expenses "of an increased enrollment" and to "make up a deficit caused by a reduction in value of property." "The will of the people was expressed in favor of the tax," the persons voting "registering a majority in support of it." Then the opposition got busy. "Large property owners . . . became active in contesting the election," succeeded in having their property-vote "taken into account" and, on this occasion were able to have the Court void the tax.

They had a perfect right to do so, and acted within the law. But, asks the editorial, "who were

the leaders in this contest" who "defeated the school tax?" And on a question which transcends politics, the editorial courageously answers: "Look at the names on the petition used as the basis for the contest"; and it makes that court record a part of its argument.

There are, on that list, some two hundred and ninety-four names. The overwhelming preponderance of them are of "Latin" origin, with a good sprinkling of German cognomens. *Of the eighty-one on that record who could not sign their names, all except possibly two are "Latin."*

No wonder that that fearless Louisiana editor exclaims: *"What an ironical thing does it seem, for the marks of uneducated men—men who cannot write their names to anything—to sign the death warrant to the educational aspirations of their children and their neighbors' children."*

But other people in Louisiana share the views herein set forth, without malice but also without fear, as to the subtler causes which have retarded the wide-spread establishment of an effective system of American public education in their state; persons who have had opportunities to see and to gauge and have definite convictions on this subject, and are lovers of their great commonwealth and wish

its influence and prestige in the common life of the American democracy to grow and to count for a common and splendid destiny.

For these people, the fact of illiteracy, the fact of *adherence to a non-American culture* largely through the preponderating influence of the Church in educational matters in some parts of Louisiana, seem distinctly related and intertwined. A person of considerable experience in the educational field spoke this way: "There has been considerable illiteracy among the old French, and even the old German elements, both elements being Catholic. In some of the parishes where these elements are dominant there are still places without a public school." My informant cited her experiences while on a visit to a town famous in the records of those who sing the romance and the poetry of "the French in the heart of America." It was after the World War, and the town council was having a stormy meeting over the matter of appropriating money to *start* a school. For in the year of grace 1920 there was no public school in that romantic town.

"The War," continued my informant, "showed that many of the Acadians spoke nothing but French, and that the Catholic schools contributed to keep up the separateness of the races."

"The aim and purpose of my life in Louisiana," a distinguished educator of that state, a great teacher of New England stock, said to me, "the great aim has been to make the people *respect* the *public school-teacher*." And he went on to explain that this lack of respect for the lay, as distinguished from the religious teacher, was one important influence in the high percentage of illiteracy in his state.

Such lay teaching, that is, such American public school teaching, had not been considered "education" by many of the people. In some parts of the state, he explained, teaching in a public school had not been considered even "respectable"! Under such circumstances the appropriations for public schools had been small, and even to-day, are insufficient.

The picture flashed before me of one of these "not respectable," free public schools which I had visited in one of the "Cajun" parishes—a little school in a poor drafty shack in a lonely spot on the edge of a marshy tract, with the shadow of ancient trees playing on its shabby roof. But the girl within, frail but earnest, was the humble apostle of democratic—of American—education. She was the educational pioneer. She was the

Teacher of the Republic! Every one of the forty boys and girls in her class, some barefooted, some carefully dressed, all clean and attentive, came from a "French home," spoke and thought in French, as another pioneer American teacher in New Mexico had told me how *her* school children spoke and thought in Spanish. "But here," said the frail but resolute pioneer of Acadia, "here in the class room of this public school, the children *must* speak English."

Who will deny, knowing the history of these parishes, that schools of *this* type, schools with this underlying American purpose to make us all one people, with a common language and a common heritage for the future, date from the time, some two decades ago, when the introduction of rice culture in the marshy lands of Acadia brought there a number of Iowan farmers of Dutch Protestant stock? Men who, though they came for economic ends, made it their first interest when they settled here, as they had made it their concern wherever they had settled, to establish and encourage a system of public schools.

The author of the *Histoire de la Louisiane racontée aux Enfants Louisianais* was right. The question of language *is* "a question of indepen-

dence and nationality." That is exactly why all over the United States, humble, devoted, wretchedly paid country school-teachers—real pioneering souls like the girl in that shanty on the edge of the Cajun marsh—are fighting, for us all, the battle for the English language and for American civilization, against all kinds of alien tongues and alien cultures which seek, by frank and oblique ways, to establish their own separate and alien cultural life among us.

But to-day they are not fighting alone. In various parts of the United States there is developing a stirring sense that the whole nation must rally to the defense of the American public school as the basic institution of American democratic life.

It is idle and dangerous to shut one's eyes to what is becoming a dominant issue in the republic, an issue which must be met openly, honestly and courageously lest the struggle for the spiritual union of the democracy be fought out, as it already threatens, with outlawed and unholy weapons.

The American people are to-day beginning to count their adversaries on this question, to measure their strength and to test the sincerity of their words and of their appeals to American principles. Chief among their opponents, but by no means the exclusive ones, are many of our Roman Catholics.

Let us, therefore, examine their contention on this great issue.

In their propaganda pamphlets, such as *The Parochial School, Why?* circulated in their own churches, we can study their arguments against the American public school. We need not dwell on their economic pleas—on how much they save the American taxpayer by having school buildings and teachers of their own; for the American people—the real American people—have never stinted on expenses for education. Indeed, their first thought in every great contingency and crisis (as a century of history shows) has always been the establishing of a school system free to the people.

The issue transcends economic considerations and so we shall limit ourselves to other than the "economic" arguments of such Catholic propaganda. Such other arguments simmer down to this: the American public school educates "only the intellect" and neglects "character-building," but as "a sound civilization . . . depends on conscience and character-training," America "cannot long remain a Christian country if Christian education is proscribed by law."

These are weighty arguments on their face, and such as a great many non-Catholic Americans will

agree with. But will the learned Catholic prelate who wrote that pamphlet seriously contend that the American school—that is, the distinctly American school of our national cultural history before alien-minded newcomers interfered with it to satisfy racial constituencies—will he claim that the real American school has not been distinctly Christian or has not stressed character-building?

But the real though unexpressed argument in that pamphlet is this: The American public school has never been *Roman Catholic* in character, in history, in ideals. This is the *real* burden of that Catholic author's complaint, which he does not frankly face, but which *we* shall.

The American public school like all the fundamental institutions of the republic, was based upon, and can live only, in a civilization whose spirit demands "*a government in which the people choose all of their own magistrates, a church in which each congregation determines its own course, a school dedicated to the service of the political and religious life of the commonwealth.*" This truth—befogged by ignorant, timid, compromising, or insincere propagandists—honest and dishonest, native or alien—this fundamental truth is not only attested to by him who is to-day the Chief Magis-

trate of the Nation and who wrote those words while Vice-President of the United States, but it is also writ large and indelibly by three hundred years of American history. This is the truth which Roman Catholics must honestly face; it is a truth which does not, in this country, and cannot, affect or interfere with their *religious* convictions; but it does invalidate, and will always invalidate, any claim that the Roman Catholic parochial school is, or can be, the school of the American democracy.

Roman Catholic parochial schools in this country may be the pedagogic equals, or even the pedagogic superiors, of American public schools; but the underlying fact which concerns the democracy is that not one of them—not a single one of the thousands in our broad land—can exist or function without the approval of Roman Catholic *religious* superiors. There is no Roman Catholic school, as there is no Roman Catholic church edifice in the United States, whose doors can be opened without the consent of the local Roman Catholic Bishop. Everything educational and much that is social, in Roman Catholic America, is subject to, and dependent on, the approval of the ecclesiastical hierarchy; whether it be a text-book in the parochial class room, a new curriculum in an institution

directed by a Roman Catholic Brotherhood or Sisterhood, or a new unit of Columbian Squires of the Knights of Columbus, all, all are subject to the consent of the Roman Catholic Bishop, tacit but indisputable, or as official and open as the *Approbation de Mgr. l'Archevêque* of New Orleans to a history of Louisiana. Even that distinct contribution of American Catholic scholarship—the *Catholic Encyclopædia*—edited and printed in America, by Americans and for Americans, could not be published without the *nihil obstat* of the Roman Catholic Ecclesiastical Censor of the Diocese of New York.

We are not concerned here with whether this is right or wrong; all that we need consider is that it is *different* from the spirit underlying the American Christian democracy. For let us again repeat and accentuate: the American public school, as all American institutions, is largely, both historically and spiritually, the creation of a people who "had a high disdain for every assumption of earthly authority whether exercised in the name of the state or of the church," but who, "with that same intensity of spirit with which they scorned kings and bishops . . . revered the authority which comes from on high."

This was the spirit, deeply Christian, and culturally protestant, in which the American educational system was fashioned. And in all its intimate and distinctly "native" essentials it was fashioned in New England. But it took "over two hundred years of settled life in one place for the New England school to emerge, and it emerged in a community in which like-mindedness was very strong."

With a clear perception of these historic and spiritual facts it will be easier to understand that the assaults upon the American public school by many of our culturally alien-minded Romanists are not, as they would make us believe, a struggle for freedom of conscience and of religious conviction. Despite all efforts to pervert it into a religious controversy, the issue of the American public school is and remains a *struggle between the forces which determined and shaped the American character and the American conscience,* and those *other forces* in *vast masses* in the republic which are, *culturally and spiritually, alien to the genesis and development of American democracy.*

In proof of this stands the fact that, historically, this issue is as old as the first inflow of large groups of immigrants—*Protestant or Catholic*—culturally and spiritually alien to American civil-

ization. Back in Revolutionary days John Adams, writing from Pennsylvania in the intimacy of a letter to his wife, had this to say: "The people of this country are chiefly Germans who have schools in their own language as well as prayers, psalms, and sermons so that multitudes are born, grow up, and die here without ever learning the English. . . ."

What was true of the cultural alienage of the German Lutheran schools in Pennsylvania a century ago, is equally true of, for example, the Swedish Protestant schools in Minnesota to-day. A school principal writing from that state a few months ago said: "The chief source of trouble lies in a lot of schools run independently by alien churches and societies. After the children finish the rural schools, many of them are sent away for a year to some Swedish school in a large city. Such schools are usually taught by teachers who are themselves of foreign birth and who try to uphold their old country customs and to instill their national pride in their students."

In the schools of the "newer immigration" as it is called, conducted, in most cases, by churches or religious organizations, there is little question that "loyalty to the church is identified with loyalty to

the nationality." It was a foreign observer who said of the Poles and Lithuanians among us, that "religion has become the most powerful source of resistance against Americanization." Writing in 1913, this observer tells us that, even at that time, the Lithuanians maintained "twenty-two primary schools in which their children learn English and at the same time their mother-tongue. Five of these are directed by Polish Sisters, one by French Sisters, and the others by English Sisters. But the teachers have learned the language of their scholars and teach the children Lithuanian. Four other schools are directed by the Sisters of St. Casimir." Perhaps because he was not writing for an American audience this observer added: "It is thanks to the church and the school that many hundred thousands of Lithuanians have not been absorbed in the great nation. As long as the Lithuanians construct and maintain their churches and their schools, the name and nationality of the Lithuanians will be maintained in the country of George Washington"!

Now, what is the common element of alienage—"of something not quite national"—in all these schools, Catholic or Protestant, German or French, Polish or Swedish? What is their common element

of non-Americanism deeper even than their divergence from the determining character of the religious convictions of the historic American stock? Their common element of alienage, their common spiritual sin of un-Americanism is—the spirit and the fact of their *separateness.* They are all one and indistinguishable in their common dissent from the fundamental purpose of the American public school. That determining and intensely democratic and American purpose is to "*start the whole people together for all their young lives,* until by calling and election their ways must part." If our public schools are not living up to this high and truly American purpose, if, especially in the East, they leave much to be desired in curricula, in methods and in teachers, then our national duty is to bring them up to the high estate of their past as the schools of the democracy. But to attempt, in a country struggling to preserve its national civilization against disrupting forces of thirty different national stocks and races,—to attempt, I say, to institute a "parallel" system of sectarian or culturally and spiritually separate schools in such a country and at such a time, is to undertake something which, gloss it over as you wish, is "not specifically national," and furthermore is essentially

un-American and undemocratic. A parochial school or any separate school which is educationally equal, or even superior to a public school, is its hopeless inferior as a democratic school.

That which is the distinguishing mark of American secondary education—that which, in fact, makes it profoundly national and essentially democratic—is its historic purpose and its high aim of training the people—*all* the people—"to look at each other on the level, square in the eye." And it is the business of the American public school *"to make that look friendly with perfect understanding."*

Woe to the nation when that perfect understanding fails! For, truly, democracy cannot function when such understanding does not materialize. That is why, in the words of that New England schoolmaster from whose essays I have drawn not only these stimulating quotations but also an abounding inspiration, "we must go to school; we must all go to school; we must all go together to school, with a common language, a common course of study, a common purpose, faith and enthusiasm for democracy," for in our public school—"more than in all other American institutions—are the issues of an enlightened national life."

CHAPTER VIII

THE PERSISTENCE OF RACIAL CHARACTERISTICS

"True and distinctive Americanism does, however, mean the insistence that every transfer of allegiance from another government to our own should signify the taking on at the same time of an aggressive and affirmative devotion to the spirit of American institutions. It means that with us, a love of our government for its own sake and for what it is, is an essential factor of citizenship and that it is only made full and complete by the ADOPTION of the IDEAS AND HABITS OF THOUGHT which underlie our plan of popular rule."—*Grover Cleveland, twenty-second President of the United States.*

DURING the first half of the eighteenth century a substantial number of immigrants from the German Palatinate crossed the Atlantic to these shores, many of them settling in William Penn's colony. Numerous as they were, they constituted only a trickle, one might say, of that larger flood of some six million German immigrants that came to this country after 1820. Yet Benjamin Franklin, writing in 1751 of the earlier German influx, asked why those aliens should be "suffered to swarm into our settlements and by herding together establish

their language and manners to the exclusion of ours?" And, he added: "Why should Pennsylvania, founded by England, become a colony of aliens, who will shortly be so numerous as to Germanize us instead of our Anglifying them?"

Some of the New-Stock rhetoricians, either through ignorance or wilful suppression, make no reference to the fears, so clearly expressed by Franklin and others of the founders of the republic, as to the effects of mass-alienage on the democracy; on the other hand, others of the New-Stock spokesmen, who are too scholarly and too honest to deny clear historic records, assume that none of the evils which the founders feared in connection with such mass-alienage ever materialized.

Nevertheless, limiting ourselves at this time to Franklin's anxiety over the relatively small influx of Germans in Pennsylvania in the eighteenth century, we find as a matter of history, that *about one hundred years* after he wrote the above quotation, the descendants of those immigrants, then citizens by several generations of that commonwealth and of the United States of America, "made a general effort to retain the German language," and actually called a convention in the effort to insert in the then new State Constitution a provision to

permit "German counties" to use the German language in the courts.

"If the German language is suppressed," the preamble to the Resolutions proposed in one County Convention recites: "our German churches go to destruction," and with them "we rob our children of that which is best, German honesty, faith and diligence."

"This," the proponents of those Resolutions declared, "must not be so long as we can prevent it."

These earnest sentiments by "Americans" many of whom had participated in our government for several decades and whose contacts with American life covered a number of generations, leads us to a consideration of the underlying factor in our immigration-problem: the *persistence of racial characteristics* in the transplanted alien *and in his progeny;* a persistence powerfully aided by the natural workings of the pressure of *mass* upon such racial characteristics.

It is surprising how the American people, who have given so much interest and study to the biologic and ethnological sciences, should not have more readily, and more generally, realized the incidence of those sciences on the problems of immigration. Only in the case of those racial stocks

outwardly marked by striking and obvious physical differences (such as the black and yellow races) have they begun to awaken to the fact of the *persistence* of natural or *physical differences.* Even more hesitant have they been in recognizing the persistence of differences in *mental* and *moral characteristics;* and it is not without significance that the Americans who have been more reluctant to recognize the persistence of these racial differences are largely those living outside the areas where the black and yellow stocks reside.

Yet there is a great body of scientific data and of scientific opinion not only for the erudite, but for those who care only for popular and sympathetic or "human" study of the question of heredity. From that vast body of opinions I need quote but two which are expressed in simple and clear language.

Vernon Kellogg in *The New Heredity* says: "The biologist stands aghast at what he sees happening. He knows what the consequences of flouting nature are. The fate of plants, animals and men is determined by heredity and environment. It takes *the best of both to assure the best fate.*" And, after analyzing certain "mental levels within the population" of this country, he asks:

"What of the future of the republic?——Are we going to be capable, *mentally capable,* of making the most of the opportunities for racial progress which social evolution puts into our hands?"

"Race differences," writes Professor John R. Commons, "are established in the very blood and physical constitution, and yield, if at all, only to the processes of centuries. Races may change their religions, their form of government, their modes of industry, and their languages, but underneath all these changes they may continue the *physical, mental* and *moral capacities* and *incapacities* which determine the *real character* of their *religion, government, industry* and *literature.* Race and heredity furnish the raw material, education and environment furnish the tools, with which and by which social institutions are fashioned; and in a *democracy* race and heredity are the more decisive, because the very education and environment which fashion the oncoming generations are *themselves controlled through universal suffrage by the races whom it is hoped to educate and elevate.*"

Of the persistence and force of pre-natal, racial ideas and mental outlook, in large numbers of peoples of alien stock we have had a very striking example in our country during the World War. It

was as clear, illuminating and informing an example as any historian or sociologist might desire. It is a commonplace of educational training that history is one of the best, if not the best, of teachers. Yet ever since the World War closed, some people have industriously attempted to make us "forget" the tragic experience of our country, when large numbers of residents and citizens of German stock had to face the choice of being, intimately, spiritually and culturally, *wholly* with American democracy, or outside of it, if not against it.

That we should forget the *bitterness* of that experience I understand; that we should avoid retaliation and wholly forgive those who may have only erred, I admit. But that we should blot out that profoundly illuminating national experience as an aid in the study and understanding of some of our gravest problems seems to me to savor of that intellectual cowardice which, to-day, is allowing American history to be rewritten by politicians. Lincoln himself, than whom there was none more generous and forgiving, did not hesitate to say of an even more tragic national experience: "Let us therefore study the incidents in this as philosophy to learn wisdom from and none of them as wrongs to be avenged."

Without dwelling on the example of the World War, however, I shall point out other specific evidences of the persistence of racial mental and moral outlook to show how, even without the powerful dissolvent of all veneers of assimilation which war furnishes, such special outlook manifests itself in high and low places among us.

Let us first examine that persistence in an individual "New American" of the highest mental and moral qualities. "If there ever lived a man who seemed likely to become a full American," wrote the former Director of the Columbia School of Journalism, "it was Carl Schurz. He learned our tongue. In its diction and its supple and effective use, he surpassed most men of note on the platform. He sought the field for his adopted land in war and he nobly served it in peace. He supported every reform. He fought with the beasts in our Ephesus, the Senate, full of men given to getting great personal gain. He had suffered and lost for liberty in his own land. Yet when despotism came there, in Prussia triumphant, it had his heartiest support. For freedom crushed to earth in the newborn French Republic, he had neither pity nor mercy. *The American instinct as to Europe, always for self-government, he could never get.*

He forgave Bismarck in the full tide of his oppression of Poland. He accepted the Kaiser—ate and swallowed the young Emperor whole. He led a multitude of Americans astray by his abject admiration of the last of the hereditary despotisms."

Now, let us see that individual racial or cultural point of view, multiplied by hundreds, as it persists and manifests itself in *collective* form in the transplanted environment, even among the descendants of the stock which gave us a Carl Schurz.

Some years before the World War, there was formed at the seat of government of the commonwealth of Ohio, a *"Deutscher Legislatur Club,"* whose origin and purposes may be gathered from the following extracts from its official booklet: "A number of the members of the 79th General Assembly of Ohio," reads the preamble, "being of German birth and descent, *after mature deliberation and discussion,* decided that, *as Representatives of the General Assembly* they could best advance *the interests of the German population of Ohio* by uniting themselves in an organization." I have underscored some passages so that the reader may miss none of the frankness in the declaration of "interests." But let me quote from the "Objects" of this association of legislators and

representatives "of and for the American people." "The object of this club is to cultivate the *German ideals we now have* and to encourage the German language, the German system of physical training, German Song and German Lectures and discussions with special reference to its influence upon German-American life and history, and liberal movements." In order that the former Deutscher Legislatur Club von Ohio may not appear illiberal and racially discriminatory let me add that *any* member of the State Legislature was eligible to associate membership in that organization. The only trifling discrimination made, was that only members "of German descent" could vote!

Now let us see how that persistent racial or cultural point of view operates as *collective thought* and *collective will* in the cohering *mass* of *hundreds* of *thousands* of German-minded Americans. Turn to that most open-minded and sympathetic of American weeklies—*The Outlook*. In the issue of November 1, 1922, you will find a correspondence from Wisconsin, entitled, "The Revolt against the Yankee." In the frank, searching and courageous exposition in that article the reader will discover not merely ample proof of the persistence of racial ideas and racial ideals but the wide-spread and deep

effects of those ideas and ideals upon our national life. Here I may only cull a few of that correspondent's observations. "The real, the true reason why Socialism has made such political gain in Wisconsin since 1917, is because the European War consolidated the spirit of revolt against the Yankee tradition. The same thing is true of the whole group of mid-western granger states that have been populated by Continental peasants. Probably there are not more people in Wisconsin than in some other states who feel that the *United States is not a country,* but there are more who *openly say so* and *who will vote for a man whose words and acts mean substantially the same thing.* The two groups that dominate an immense area and population—the German and Scandinavian—have been brought into almost complete accord by the events of the war. . . . The depeasantized peasants, as H. G. Wells calls them, have in their common hatred of Yankeedom a stronger bond of unity than ever existed before. . . . However unpalatable the fact may be, *a record of service in the war of 1917-18 is a liability and not an asset for a candidate in Wisconsin.*"

I have taken these examples of the persistence of racial point of view with no desire of discriminat-

ing against one specific nationality or race. Examples from other races and nationalities in our midst could be easily duplicated. Indeed this individual and collective persistence of mental and moral outlook is, if anything, more marked in the newer elements of our immigration.

To this natural, biologic persistence, there are added moreover, certain forces which, to-day, more than ever, *strengthen, stimulate* and *re-enforce* such natural persistence.

First among these is the *rapidity, multiplicity* and *ease* of *international contacts and exchanges.*

It requires but little reflection to realize that the natural persistence of racial mental and moral bent is, in our day, powerfully aided by the ever-expanding and increasingly rapid means of travel and communication. The further back we go in our history the more apparent it becomes that slowness and difficulty in international traffic and exchange made the act of expatriation of the alien coming to us in the past a more distinctly *definitive* decision. Irrespective of the character of the immigrant, or of the "urge" which determined his coming here, the transplantation to America of the alien of 1820 or in 1840 was much more of a physical uprooting than the coming here of the alien of 1890 or in 1923.

Europe was "months away" from these shores a hundred years ago; even fifty years ago the physical difficulties of travel, without considering economic and political conditions on the Continent, made the act of expatriation of the average European a pretty final breaking away from the anchorage with his country of origin or with his people. To-day Europe is "five days" from these shores, and the telegraph and radio make communication across the ocean a question of a few short hours or even of minutes.

That is why much of the talk to-day of the ignorance of many of the aliens still pouring into this country is one of the delusions which survive from past times, when that ignorance was due to the difficulties of international communications. There *is* a good deal of ignorance still, of course, among our arriving aliens, ignorance or deficiency of a cultural and political character; but not ignorance regarding what they will find here, and least of all as to our immigration and naturalization laws. I have been in out-of-the-way and apparently "inaccessible" hamlets in Europe where the peasants knew more about ships, routes and "ropes" for traveling to America than many a certified tourist agent; and it has been com-

mon knowledge that forecasts, or even mere forebodings, as to our Presidential elections and their effects upon our economic or immigration legislation, were discussed in the humblest circles of the Continent very soon after they were a topic of popular discussion here.

The ease and rapidity of communication to-day are so developed that an alien in this country, even if naturalized, can easily keep in political touch with his land of origin. It was well known before the War, for instance, that local elections in some of the southern towns of Italy were "timed" with the seasonal return there of what we picturesquely described as our "birds of passage." But that is nothing to the part which some of the other stocks, both as individual residents and naturalized "Americans," have been able to play, and are playing, in the political affairs of their country of origin. I have cited the case of the Ruthenians in the United States. Outnumbering as they do the Ruthenians in Ruthenia, they played the controlling part in the election of the first President of that mandated state, elevating a Ruthenian-American lawyer, of Pittsburgh, Pennsylvania, to that office. And being more inventive than we are in devising plans for dealing with ex-presidents, when their

chief of state tired of his office, they allowed him to return to the Land of the Free where he could again take up his practise as a member of the Pennsylvania Bar.

Very little inquiry into our history and the records of our State Department and of the proceedings of Congress will be required to show the part played, or attempted to be played, in American foreign policies, by racial or nationalist groups in this country, either by group pressure or, in some cases as "centers of intrigue because of their connections with political parties abroad." Because the State Department has "its hands tied" it is easy for some of these racial groups or their leaders to demand "proof" that they have even seriously embarrassed our Government in its foreign relations. As a matter of history, however, they have interfered very much more, and much more seriously than that.

Our Secretary of Labor, not long ago, remarked that many of the foreign governments know our Immigration Laws better than we do. Editorial writers and "Constant Readers" made prompt and jocular comments on this statement which, in truth, has a basis of solid fact of much more significance than is popularly imagined. Some of those foreign

governments not only, and very properly, acquaint themselves with our laws with a minutia of detail which might surprise some of our own lawyers, but they have a knowledge of the *psychology* and the *political tendencies* underlying our changes in immigration legislation which few Americans realize.

For many Americans "foreign governments" are just "foreigners," that is, officials who are pretty ignorant of our life, our ways and our aspirations, anxious, mostly, to dump upon us their undesirables. This may have been true in the past; it is far from true to-day. The multiplicity of means and the ease and freedom of communication have created possibilities of quick and exact knowledge, centuplicated governmental and cultural contacts between foreign states and their nationals here, and even revolutionized the methods of "control" over the expatriated nationals settled on our shores.

It makes very little difference, to-day, to a European government whether even the *best* of its nationals emigrate, because its hold upon them —the tacit unofficial hold—is assured by the multiplicity and variety of current international exchanges. As a matter of fact, to-day, the immigrant from *any* country in the world is a better or, at least, a more remunerative asset *for his country*

of origin if he comes to America than if he stays at home. He not only earns more here for the same kind and quantity (or less) of labor than he would earn at home, but, in almost every case *he earns better and more valuable currency.* And that currency makes him a very valuable *purchaser* of many of the things his country of origin has to *sell.*

The interest of foreign governments in our immigrant or racial stocks to-day is not only keener than ever, but it operates much more effectively than in the past by utilizing to the utmost the varied and sensitive contacts and exchanges of the new "internationalism." In so far as by restrictive measures we shall limit a *numerical* increase of their nationals among us, to that extent will such foreign governments modify their diplomatic policies so as to strengthen their influence, if not their control, over their nationals already here and *part of our political life.*

For all foreign governments, long aware of what American optimists have so long wilfully ignored—the natural cohesiveness of racial groups when transplanted in large numbers to a new environment—have pursued a persistent and consistent policy of utilizing such cohesiveness. The day of "colonizing" by the method of physical penetration

is past; to-day the process of "colonization" in our country as practised by foreign governments is through *cultural penetration.*

In the early days such governments resorted to outwardly "open methods" for keeping a hold on their expatriated nationals and their descendants. These included the aggressive enforcement of their internal laws regarding military service of all their subjects, at home or abroad, and even of the American-born children of such expatriates. The oppressive, if not terroristic methods of some of those governments in enforcing the military service laws of the country of origin upon thousands of peasant immigrants here brought them into frequent conflict with our State Department. For in their application of such internal laws they challenged and defied the effectiveness of our naturalization laws. The archives of our State Department are rich in records of instances of the impotence of the United States to make Germany, Italy, Austria and other states recognize, within their respective territories, "acquired" or even "native" American citizenship.

There are superb advantages for the alien political and cultural "leaders" as well as for foreign governments in this fundamental change of method.

It stilled the rising complaint of "outside" political interference, and it brought within the orbit of foreign control the children and the grandchildren of their "Americanized" nationals. The American-born son of a naturalized Greek would probably resent being told by a Greek Consul that he might have to serve in the Greek Army; but he would, with like probability, gladly accept an invitation to join a Greek literary club here for the advancement of "Hellenic Culture in America." The Timbuctoo Government could not very well suggest to Timbuctoo American voters to elect Timbuctoo-American candidates to American public office who would uphold the Timbuctoo language and ideals among us; but who could "legally prove" in a Court of law or before an "international tribunal" that such government might not, if it wished, get very similar results by "cultural" rewards to those who, on our school boards, for instance, or in our legislative assemblies, insisted on the expenditure of school funds for the maintenance of the Timbuctoo culture and language?

What has brought about this change of method, this profound refinement in the "technique" for stimulating the persistence of racial characteristics? The War in part. Yet most of the old and the new

states of Europe still have a compulsory military law, and their own juridic principles regarding "citizenship" have not been modified. But their *application* of those laws and those principles to their nationals here has profoundly, even amazingly changed, in order to meet and disarm the rising revolt of American opinion here. Some of these governments are to-day actually *urging* these nationals here to become American citizens. Nor should we forget that our Government's official files hold instructions from the German Empire during the World War for even some of its spies here to become "American citizens."

Nothing indeed has shown more vividly how exploited is the average American's belief in the almost magic powers of conferred American citizenship, than the stampede of not only some foreign officials, but of foreign propagandists and of some New-Stock political leaders and "Americanizers" to make "American citizens" of new arrivals from alien countries. Why?

Because the alien, the alien-minded, and foreign governments have found that the *use of the American franchise* with its rights and its immunities, by our naturalized aliens, or their alien-minded descendants, in the modern ease of international

exchanges, *is the best means of perpetuating the natural persistence in this country* of racial outlook and aspirations, of definite nationalisms and national and racial differences. Thus our aggressive alien electoral blocs, naturally cohering into ever better organized groups, are encouraged through these outside stimuli to "transfer Europe to America," to bring into our life all the political and social differences of the Continent. And not only are all such European struggles and intrigue transferred to these shores, but our foreign policies are being more and more distinctly de-nationalized and de-Monroe-ized!

To love self-government and to inculcate a love of it in all peoples is a legitimate international aspiration of the American democracy. To view with sympathy, and to extend the widest moral assistance to any race or people struggling for freedom, is the unwritten law of the Conscience of the Republic in its foreign relations. But when racial groups among us organize to assist in the direction of the affairs of their countries of origin, when they bring racial or nationalistic political pressure upon the making or the denouncing of our treaties and international conventions, they are not acting as, and are not, American citizens. We have a dark

enough problem of our own in the growing rise of economic or political groups or blocs exercising pressure upon our government; but government by *group pressure of racial blocs* is a step toward the absolute denial of American representative government.

There are other and subtler means by which foreign governments, and alien elements from outside and from within our border are to-day endeavoring to encourage and stimulate the natural persistence of racial characteristics among our immigrant groups. Chief among them may be mentioned the establishment of cultural societies which aim to perpetuate the language, ideals, culture and interests of the country of origin of these immigrant groupings; the active encouragement of "social gatherings" among them to invite and receive distinguished visitors from abroad to the "intellectual colonies" here; the fostering of "exchanges" both of university professors and of college students, not infrequently through funds subscribed by racial or national groups here.

All such exchanges and artificial means to reenforce the natural persistence of racial and moral bent, are not only unavoidable but, in normal conditions of international life, are a proper and a

stimulating method for increasing sympathy and understanding between different countries. *But conditions in our country are not normal.*

There are *more* than *three times* as many *Italians* (born in Italy) in *Kings County,* New York, than there were citizens of clear Italian stock in the former state of *Fiume.* There are *twice* as many *foreign-born Germans* in the *east north central states* as in the much *contested city of Danzig.* There are more Jews, foreign born, *in a few blocks in New York City* than in the *entire Zionist state of Palestine.* There are more foreign-born *whites* in New York, than there are people in all Alsace. There are more *foreign-born whites* of *voting age* in the *United States* than the *entire population* of every age, of a *sovereign European state* such as *Holland.* There are more *foreign-born white illiterates* ten years of age and over in *New England* than the *entire population,* literate and illiterate, of all ages, of the city of *Lemberg* in *Poland.* The foreign-born *white illiterates* ten years of age and over, in our *Middle Atlantic States exceed in numbers* the *total* population of *Brussels,* the capital of Belgium.

Under our 1920 census the foreign-born white *males* in the *United States, exceed the total population* of the *commonwealth* of *Australia;* the

foreign-born white *males* and *females exceed* the *entire* population of the *kingdom* of *Jugoslavia,* or the *combined* populations of the republics of *Latvia, Lithuania* and *Finland,* besides nearly all that of *Greece.* The *naturalized foreign-born whites* among us, *outnumber* by *nearly two millions* the *total population of Ireland,* or nearly equal the *combined total populations* of *Switzerland* and *Norway;* while the foreign-born whites having *first papers* add to our number an alien element about equal to the *total population* of the *Dominion of New Zealand.*

In the presence of these figures and the mass of assorted and diverse alienage they represent, it seems indeed idle, if not dangerous, to discourse upon the advantages of intellectual exchanges, or the duty of intensifying our international contacts. The condition which confronts the republic is not the delightful theory which exchange professors or after-dinner speakers at international banquets so charmingly discuss. The condition facing us, demanding immediate solution, is not how we can understand and sympathetically approach the strangers within our gates, but how these enormous masses of aliens, running into the millions, of a hundred different kinds and degrees of culture,

may be prevented from swamping the American democracy and de-Americanizing American civilization.

Upon these vast aggregates—some profoundly diverse from, and even antithetical to American life and ideals—definite and potent natural and cultural forces are playing, which have operated upon them and their ancestors in the home land for centuries and centuries. These forces, largely unconsciously and unbeknown to those alien masses among us, work for the coherence of those differences and divergences which separate them from the American stock and from American life. That coherence increases in direct ratio with the growing *numbers* and the *compactness of the alienage* upon which such forces operate. They are forces of *divergence* and of *dissent* from American standards, and they powerfully contribute to our spiritual and cultural disunion.

Americans are apt to wonder why in two thousand years of Christian civilization the various states and peoples of Europe have not come together; they wonder how there has not emerged from the long and varied struggles of the Continent a United States of Europe. It is, primarily, because *historical, racial and cultural variances*

among the various peoples and stocks, have been and are so profound and persistent that neither an approximation to political solidarity, nor to democratic equality, nor to a "synthetic" Europeanism has been, or is, possible.

Why illude and delude ourselves that those same forces cease to operate powerfully, and controllingly, upon the vast blocs of European nationals transplanted to our continent? And why hope that the New American environment will gradually weaken the natural persistence of those forces when we allow and encourage every imaginable means of artificially and aggressively keeping those forces alive?

Why discuss *en pétit comité* and in the amenities of intellectual and social gatherings the necessities of intellectual exchanges and the subtler international understandings, when well-nigh irresistible disruptive forces are breaking down the dikes painfully built up in order that government of the people, by the people and for the people might forever endure? With *forty-two different foreign languages spoken* in *twenty-six thousand two hundred and thirty-nine religious organizations in the United States,* what hope is there for even that simple basic element of cultural and spiritual union in a nation—a *common language?*

There are *thirty different tongues* spoken by a *million* and *a quarter* communicants in the *twelve hundred* foreign-language religious organizations in *New England.*

There are *thirty-seven different languages* used by the *three and a half million members of the forty-six hundred* and *seventy-five foreign-speaking religious organizations* in the *Middle Atlantic States.*

There are *twenty-one different languages spoken* in the *single state* of *Minnesota,* among the nearly *six hundred thousand members* of its *two thousand seven hundred* and *sixty religious organizations* using a foreign language.

And how many people realize that there is *only one state* in the *Union* whose church organizations use merely *two* foreign languages? In *twenty* of our states the various languages used in such organizations run all the way from *ten* to *twenty,* and in *twelve* other of our *commonwealths* the varieties go from *twenty-one* in *Washington* to *thirty-one* in *Pennsylvania,* and *thirty-five* in *New York.*

What stimuli from abroad, diplomatic, cultural, or sentimental, do these millions of alien-cultured and alien-minded residents or "legalized Americans" need to strengthen and perpetuate what our

learned theorists call "Old World traits transplanted"? Out of their own inner consciousness, and by the force and urge of century-old racial and national desires and preferences, these alien-minded groups have themselves, unassisted, provided the most effective and most compelling means for stimulating and perpetuating the natural persistence of racial mental and moral point of view—the *foreign language press* of the United States.

Thirty-eight millions of people in Italy support some one hundred and twenty daily newspapers; but one-third of that number of aliens, the fourteen million foreign-born whites and yellows in the United States, and their like-minded, support *one thousand and fifty-two foreign-language publications of all kinds.* Two hundred and fifty-two of these are published in New York and Chicago, and three hundred and ninety-five of them in rural sections of the country. The Germans among us have two hundred and seventy-six such publications, the Scandinavians one hundred and eleven, the Spaniards one hundred, the Italians ninety-eight, the Poles seventy-six, the Bohemians fifty-one, the Slovaks twenty-eight and the rest represent twenty-three other racial or nationally foreign groups.

There has been a stock argument, among even

distinguished editorial writers that there is nothing in American or Anglo-Saxon "methods of law and government that is beyond the apprehension and devotion of the countrymen of Mazzini and Venizelos, or at least of their American educated children." It is a well-sounding argument which, however, avoids the real issue. That issue is one of the natural effects of masses of cultural, spiritual and political alienage, upon the life and civilization of the American democracy; of masses which need not be considered and have not been considered here, as either superior or inferior, in their respective civilizations, to the determining civilization of the American republic, but as more or less profoundly *differing* from it; of masses which, by their vastness, cohere more and more by the workings of natural forces beyond the will and control of such masses. A Mazzini seeking asylum in this country from political oppression, or a hundred or even a thousand Mazzinis settling in this broad land, might be a distinct gain to the American democracy. But 390,832 Mazzinis transplanted to *New York City* would be a disrupting element to the spiritual, social and political union of our democracy. *That* is the condition which faces us, and it is a condition far worse than I have stated

it. For the most nationalistic of Italians will surely not claim that 390,832 of their co-nationals in the Empire City are all Mazzinis, or that their "American educated children" all measure up to the Mazzinian character.

That then is the issue, which these old type "arguments" actually dodge by a display of fine phrases which are mischievous because they are misleading. The issue, in terms of American life in 1920, is this and no other:

"The thirteen states of Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Ohio, Indiana, Illinois, Michigan, Iowa, Wisconsin and Minnesota, cover an area of territory constituting something less than *one-sixth* of the area of continental United States excluding Alaska; upon that area there are 54,365,217 of the 105,710,620 people constituting the total population of the United States in 1920; of these 54,365,217 inhabitants of such thirteen states, 28,340,239 are *foreign-born* or of *foreign parentage*. That is, *more than a quarter* of our entire population is foreign-born or of foreign parentage; it is settled in an area comprising *less* than one-sixth of our continental territory, and constitutes *more than one-half* of the total population of the thirteen states "which are

the center of the nation's industry." Upon these millions operate forces which history, science, our national experience and plain common sense demonstrate tend to perpetuate the underlying, instinctive differences, racial and cultural, which those millions of foreign-born and foreign-minded cannot drop, even if they would, either at Ellis Island or on the Bench of the Naturalization Courts. And those forces are, furthermore, stimulated, encouraged, aided and exploited by numberless artificial means, honest and dishonest, within our borders and from outside our borders, by ways we know, through channels we surmise, by methods we begin to suspect, and by still unsuspected means which may turn out to be spiritual treason to the republic.

What shall prevent, I ask, under these conditions, and in the course of history, the application of the "principle of self-determination" which we evoked to make Europe free, from being spiritually used to make America bond?

CHAPTER IX

REACTIONS

"You will find plenty of those who will smile at your profession of faith, and tell you that truth and virtue and honesty and goodness were well enough in the old days when Washington lived, but are not suited to the present size and development of our country and the progress we have made in the art of political management. Be steadfast. The strong and sturdy oak still needs the support of its native earth, and as it grows in size and spreading branches, its roots must strike deeper in the soil which warmed and fed its first tender sprout. You will be told that the people have no longer any desire for the things you profess. Be not deceived. The people are not dead but sleeping. They will awaken in good time and scourge the money changers from their sacred temple."—*Grover Cleveland, twenty-second President of the United States.*

WHAT did the founders of the American democracy read? What books did the fathers consult in the framing of those great documents which are the historic charters of the republic? The founders, let us bear in mind, were cultured and studious men; and there were even distinguished scholars and philosophers among them. I do not refer only to the greatest of the founders, like Washington and Madison, or Frank-

lin and Jefferson. I mean also the lesser artisans among the builders of the American democratic structure; studious and thoughtful men like the Adamses, the Pinckneys, Livingston and Rutledge.

It is not popularly known, I think, that there were at least five men among the signers of the Declaration of Independence who had been trained as English barristers at the historic Middle Temple, and that other Middle Templars were among the members of the Congress which adopted the Articles of Confederation. The "Fathers of the Constitution" also had the invaluable aid of colleagues who had studied law in England, while other graduates of the Middle Temple were among the leaders in various parts of the country who "helped to mold the Colonies into States and to found the whole Confederation upon ideas of English liberty."

What did these men read? What books influenced their political views and their democratic convictions? If some of the revisionists of American history, and some of our New-Stock intellectuals would read the historic, and especially the philosophic treatises which the founders consulted, public opinion in some quarters might be usefully clarified.

Some of those very books we can actually hold in our hands; they are still on the shelves of that library in Philadelphia to which some of the fathers went when they gathered in that city to consider ways and means for establishing the American democracy and assuring its permanence.

A study of them would reveal, for example, that the "equality," the "freedom" and the "tolerance" which are so frequently invoked in some quarters to-day, were not understood by the founders in the strained and "legalistic" sense to which they are being put to-day. We would discover that the underlying philosophic principles, of which these words are the expression, were predicated upon facts and conditions quite different from the facts and conditions which have intruded themselves from outside upon the republic during the last half century, and such as could not have been reasonably foreseen or visioned even by the greatest of the fathers.

The founders, let us not forget (and let us not be rhetorically stampeded into forgetting) were engaged in building a democracy predicated on an actual and existing like-mindedness in its membership and a prevailing homogeneity of spirit, character and aspirations. They visioned the

future through the conditions which were about them and through a distinct "philosophical enthusiasm for mankind." They and their time knew little of the influence of heredity and the persistence of racial characteristics, but believed, with the European philosophers, "that each man came pure and perfect from the hand of nature."

When they thought of "aliens" and "immigrants" they only thought (and in the very nature of things, could only think) of the types of men they actually knew, very largely persons like themselves "bone of their bone and flesh of their flesh" as our highest Court recently said; for not only was the immigration of their day "almost exclusively from the British Isles and Northwestern Europe," but numerically, it was insignificant.

There are no official immigration statistics for the period running from the founding of the republic to 1820. But there is enough data upon which to base this approximation: that the total annual immigration to the United States before 1812 did not exceed the surer approximation of the average annual inflow between 1812 and 1821, that is, a total of eight thousand a year. This annual total, we should bear in mind, was less than the weekly average immigration admitted under the

so-called restrictive and "illiberal" quota law of 1922.

Nevertheless the danger that the spirit and character of American institutions might be changed by the influx into this country of large alien masses, was distinctly present to the minds of the founders. It was present, however, as a *fear* rather than as a *possibility*. They did not, and could not, foresee the vastness and the varied and extreme character of divergences which future immigration would assume within fifty years after the last of them had died.

Hence, neither in the great framework of the democracy, nor in its distinctive American institutions, political or social, did the founders make any provision for such a contingency. And so it eventually came to pass that a government and a society planned, intended, and possible only among a predominantly homogeneous and distinctly Anglo-Saxon-minded people, has been functioning, or is struggling to function, under the tremendous pressure of a mass of racial, historic and cultural differences, never contemplated in the original plan.

For a long time the nation not only failed to stop the physical invasion of its territory of large masses of peoples wholly alien to its traditions and culture, but it actually permitted and encouraged

those masses to participate in its government. It not only allowed physical invasion, but it armed the invaders with the "equality" and the controlling power which are inherent in the political franchise.

All this was not only against history, it was also against reason. These masses, made "American" by legal *fiat,* could not be American in fact. Even the "fitting" them into the merely *legal* frame of the republic could be done only by straining and de-forming the original meaning and intent of fundamental American laws. That is, the "Americanizing" of these vast alien masses could, at best, be done only *legalistically,* and then only through the application of the strictest *literal* meanings of those laws, and throwing aside their historic content and spirit.

Gradually, as more of these alien masses were "armed" with the ballot, the more aggressively could they debauch and deny the original spirit and the historic content of those laws. So that, eventually, a counterfeit-likeness of the American democracy found acceptance as a reality among large sections of the people, in the schools and in the pulpits, in the press and even in the halls of Congress.

Thus began the building up of that body of writ-

ings and discussions about America as a political but undefined mass still-in-the-making, with no historic, national characteristics of its own, except a limitless power of absorption of alien elements. Pseudo-scientists and rhetorical demagogues added their contributions to this body of crude and undigested ideas, foisting upon an unreflecting American public a novel conception of American democratic civilization fantastic as history, as I have heretofore said, and specious as philosophy.

Surprisingly novel and "scientific" meanings were attempted to be read into American history and American laws. American civilization ceased to be or mean anything outside of the literal reading of our statutes and our charters; the democracy was confined to and limited within the bare words of the Constitution. Beyond those boundaries American civilization had neither history nor principles, neither ideals nor aspirations. In short the historic republic was to be a "legal fiction" to fit and accommodate conditions and peoples wholly different from and wholly alien to the conditions and peoples which had brought it into being and molded it in all its essential spiritual and social greatness.

This is not a history of the legalistic heresies,

the historic frauds and the philosophic illusions upon which an unreflective and unsuspecting American public has been fed during the last decades in regard to the complex problem of mass-alienage in the United States. Here we can only briefly consider some of the strained meanings and de-formations to which some of the fundamental principles and laws of the democracy have been subjected.

We have referred to the principles of "equality" and of "freedom"; let us look at that other much-used principle of "toleration." The law nowhere guarantees, or can guarantee, "toleration." Laws can be harsh and narrow or they can be liberal and wise; they cannot be tolerant. If they were, they would be loopholes, not laws. It is the "tolerance" being strained and forced into our laws that is largely responsible for the breakdown of our moral, and social, no less than our legal standards. The process is very subtle, very sinister and very destructive. It is the gradual substitution of form for substance, of words and definitions for spirit, of the husk of good things for the things themselves.

Again, can it be seriously maintained for instance, that our naturalization laws were meant originally to confer the right of participation in

government upon vast and heterogeneous elements such as have poured into our country in the last forty years? Did they not presuppose that such elements would first be either traditionally cognizant with, or fully trained in the duties and responsibilities which the conferring of democratic citizenship involved? But even as a matter of history, we know that Franklin, Washington and Jefferson felt that a large influx of aliens would undoubtedly affect and endanger the homogeneity which they deemed essential for the perpetuation of the democracy. Madison, when President, made a staunch fight against the accession of mere brute numbers in the political upbuilding of the nation. Furthermore, it is a matter of record that, in the formative days of the republic, whenever there was some indication of alien-mass pressure, it was met by Congressional efforts to check rapid naturalization, though at that time the "alien pressure" was comparatively insignificant. The reaction against the monumental liberality of 1790 was immediate. By 1795 the Congress more than doubled the length of sojourn required for naturalization in the original law; by 1798 that period was actually lengthened by Congress to fourteen years, returning some years after to the five-year period.

Again, treaty rights which were meant for the due and just protection of a few individuals, have been invoked for the perpetuation in our midst, of *foci* of racial and cultural alienage, violently antithetical to almost everything that the historic American stock holds dear. Indeed, there is perhaps nothing which shows so clearly how unprepared and unsuited our fundamental laws are to mass-alienage than the principle of *reciprocity* in our treaties. What "reciprocity" can there be, except the merest of legalistic and unmoral fiction, between the "protection" which the European States extend to a handful of American tourists and merchants and that which, in exchange, may be invoked by the fourteen millions of the nationals from those European countries who are here among us.

No wonder then, that eventually, "the man-in-the-street" began to "sense" the essential speciousness and moral hollowness of all this "legality" and all this "scholarship" with which he was being exploited. But he sensed it darkly, without sufficient analysis or guidance, because the frank and open discussion of what he, somehow, felt was wrong, *was actually not permitted.* The press, in various parts of the country, had been cowed into

silence; or when it spoke of what was fast becoming a serious national question, it dared use only half phrases. Even in Congress, the timidity and the "prudence" with which this threatening national issue was approached, would have been called by uglier names by a Lincoln or a Roosevelt.

So the man-in-the-street, though he *felt* something was wrong, was discouraged from talking about it in the open. The taboos of "intolerance" or "racial" and "religious" discrimination were held up to him in order to stem open and frank discussion in the land of the free.

Is it surprising that when, finally, he began to strike out, he struck much like a man who has to defend himself in the dark against a danger he cannot clearly see? He knew something he dearly cherished and set great store by, was threatened, but he had not been allowed to view the danger in the light of the day. Is it a wonder he struck out and struck rather wildly in some cases?

It is some of these "reactions," whose causes have not only been kept in the dark but actually hidden over by an intellectual and moral mask, which we shall now consider, frankly and without reticences.

Mass-alienage, such as we have been studying in

these pages, juridically and historically considered, unfitted for, and misfitted into, the frame of American democracy, (and nevertheless deriving or claiming its "rights" under the strict wording of our laws) has, time and again, brought about definite, marked and more or less wide-spread reactions in the American people. At their best these reactions have been, and are, the expression of the fears entertained by such men as Franklin, Washington, Jefferson and Madison; at their worst they are the egotistic but not unnatural desire to keep America for those who made it. Such reactions have been political, manifesting themselves through legal forms; they have been also, very largely, social. And where political, legal and social counter-pressure proved ineffective or insufficient, the reactions have taken non-legal or "illegal" forms.

These "illegal" reactions, dramatic as they often are, strike most vividly the public imagination. Historically considered they will be found to be, as a rule, contemporaneous with some new and marked inflow of alienage into the republic, or with a period of particularly active alien aggressiveness. Thus the rise of the Know Nothing movement was contemporaneous with a large influx into the United States of Irish peasants who transferred their

nationalistic and religious grudges into their new citizenship. The A. P. A. movement was synchronous with a period in our history when immigration from the "Catholic countries of Europe profoundly affected and modified the character of American Catholicism." Again the early Ku Klux Klan was most active during that reconstruction period when a large mass of politically and culturally unassimilated negro voters (given by law an "equality" which they did not yet possess and could not possibly so suddenly achieve) disturbed and almost destroyed the historic white American supremacy of the Southern States. And so likewise the impressive increase of power of the present Ku Klux Klan fits in, chronologically, with the high tide in our political life of what Stanley Frost in his recent frank and fearless articles on the Klan calls "The political crimes committed at the demand of the German vote, the Catholic vote, the Jewish, Italian, Polish, Negro, or Irish vote."

It is sometimes assumed, and it is especially insisted upon by New-Stock spokesmen to-day, that these reactions, no less than the fears entertained by the founders of the republic, were not only unjustified, but actually disproved by subsequent events. A study of historic record and data, inde-

pendently even of a greatly needed reference to reputable histories of the times, will show the unsubstantial character of such assumption. The reason, writes an acute observer, why the evil results "are not more wide-spread and prominent than they are, is that the very agitation of our forefathers . . . had its effect."

But while this type of dramatic and "non-legal" reactions seem uppermost in public discussion, the distinctly lawful form of reactions (both in so far as they have failed, and in so far as they have succeeded) are infinitely more significant. For it is *these* reactions—that is, the American efforts at national self-defense *attempted through lawful* and *legal means,* which have, in almost every instance, *failed.* This is the illuminating, and the deeply disturbing fact for us to reflect upon: illuminating, because the failure shows that we cannot defend, by our present legal and political machinery, some distinctly American ideals and some legitimate national aspirations; disturbing because when such spiritual possessions, deeply and justly cherished by a nation, cannot be perpetuated through legal and legislative means a resolute people, convinced of their essential value, are very likely to fight for them.

I have in mind, for instance, the efforts made through legal and legislative means for maintaining and preserving in some states that greatest link of national life—a *common language*. Every such attempt at making English the language of our country, has been fought in some twenty different states of the Union, by culturally alien groups who bitterly opposed any predominance of English over their "mother-tongue."

The American people have lawfully struggled for other cherished national possessions: for a distinctly American public school system, and for those moral ideas and habits, instinct in the democracy, which the alien-minded ignorantly and contemptuously call Puritanism. In their every fight, —from that for the observance of the Christian Sunday, to that for the restraint of intemperance,—the American people have been opposed and generally beaten by the mass-alienage in the republic.

Even more defenseless is the democracy against attacks on its life-social; for there the laws are unwritten, and no *legal* way exists to enforce them among those who will not honor them. Superficial observers of the *malaise* in this field propose legislative remedies to meet the situation. But their

error lies in considering such social phenomena and social symptoms as either the product of, or amenable to, political laws. They involve character, similarity of environment and of community life and of social ideals; they cannot be conferred or taken away by law as legal citizenship can; they are part of the patrimony of American civilization but have no "constitutional" defenses.

These social reactions are very subtle. Some of them, however necessary, are undeniably undemocratic and contrary to the history of the American people in the past. That it should have become necessary to use such a weapon of self-defense, which Americans have never had to resort to in their social life, shows how the people have been forced to the wall in their fight to maintain their spiritual and social patrimony.

This spiritual and social heritage is the *equality-in-fact,* as distinguished from the mere "legal equality" of what, in a broad way, I call the Old Stock. "It was not the peasant class of Europe," writes one of the most scholarly of our students of immigration, "that sought these shores in order to found a free government. It was the middle class, the merchants and yeomen, those who in religion and politics were literally 'Protestants' and who

possessed the intelligence, manliness, and public spirit which urged them to assert for themselves those inalienable rights which the church or the state of their time had arrogated to itself. With such a social class democracy is the only acceptable form of government. They demand and secure equal opportunities because they are able to rise to those opportunities."

Social ostracism, the alignment of classes and the creation of castes, these are some of the weapons the American community is forced to use. They are the same arms which the American body-social in the South adopted, and was forced to adopt, in order to defend its civilization and its social life against the purely "legalistic" and artificial equality so suddenly created among a mass of new "citizens" racially, historically and culturally different from the "native" stock.

In some other parts of our country, a people less racially and historically differentiated from the American than the African, and yet culturally almost antithetical, has been thrust upon the democracy exclusively for short-sighted economic reasons; the result is a purely vegetative, a political and indifferentist element in the republic—a politically moron class.

At the other end of the scale we are witnessing, here and there, the unavoidable creation of caste. Caste, warns a recent writer, is the natural protection to the mongrelizing of races. And any legislation or constitutional attempt to make widely different races "equal" or to force them to intermingle, only strengthens the defensive process of caste.

This is what is actually and unavoidably happening, fostered and strengthened by those very legalistic appeals to the "equality" of the Constitution and by the invoking of political "remedies" which are not and cannot be operative in the social field.

All these reactions, political, social and extralegal, are symptoms underlying a grave national issue. That issue is: Shall the American spirit and American ideals, as expressed in the institutions founded by the fathers, be perpetuated; or shall the democracy be modified and changed to fit, if not to suit, the spirit, ideals, and institutions of other races and other civilizations? Shall there be undivided adherence and full and honest conformity to American ideas and ideals, or shall we consent to "compromise" or to "conciliate" those ideas and ideals with ideas and ideals different

from and even antithetical to them? The latest of the New-Stock spokesmen asserts that it is either such a compromise or "chaos." I most emphatically deny this. The real alternative to such "compromise" is not chaos, but a full, unreserved, undivided, whole-souled return to, and conformity with the historic principles and ideals of American life and American civilization.

How this can be striven for and approximated, if not completely and ideally achieved, what you of the Old Stock must unyieldingly stand for, and what we of the New Stock must unhesitatingly surrender, in an earnest and honest effort to that end, we shall consider in the following chapter.

CHAPTER X

REMEDIES

"My paramount object in this struggle is to save the Union."—*Abraham Lincoln to Horace Greeley in August, 1862.*

LESSON 66 B in one of the *Citizenship Books* which the United States Government issues to intending citizens, is a contribution by a boy of Polish stock, and bears this title: "Why My Parents Came to America." It tells how the Kaiser, who then ruled Poland, "would not allow any one to speak in his native language," nor tolerate within what was then the German Empire, any "Polish schools or churches." So the boy's parents "sold all they had and came to this land of liberty." Therefore, the young writer concludes, "I would let my head be cut off for this land and for Poland."

Neither the author, nor the Federal Director of Citizenship-training tells us, however, how this enthusiastic aspirant for American citizenship could submit to this bloody *double* sacrifice as testimony of his dual allegiance. Possibly the boy was

still under the influence of Continental political symbols, which, in certain sections, represent government as a two-headed eagle. He had not gone far enough in his "Americanization" to realize that the bald-headed eagle of the American Rockies has only one head.

I quote this extract from an official Federal publication on Americanization as a random example of what loose and superficial thinking there has been in the study and discussion of the grave and complex question of the assimilation of the immigrant.

The lack of clear thinking on this national problem has been amazing; aggravated, as it has been, by an utter lack of frankness in its discussion. Yet there can be no real progress made in grappling with this vast national issue without insistence on a real and serious study of its fundamental aspects and of its underlying forces. In other words, the problem of the alien in our midst must be studied in terms of history and of philosophy, that is, in terms of past human experience and sound common sense. In this, nothing will help us more than the reading of history, of all kinds of history, ancient and modern; our own, but also that of the various peoples who have come here; the history, not so

much of dynasties as of peoples; not so much of states as of civilizations; above all the history of ideas.

What we have too much overlooked, and even utterly disregarded, is that the vast masses of aliens who have come to America, have brought with them something which could not be checked up at Ellis Island; something which no regulations, however inquisitorial, could detect; something which the alien himself does not generally know is part of his baggage—the most important part, for good or ill, of all he carries. This is a set or patrimony of *ideas,* of points of view, of likes and dislikes; and with these, a *will,* more or less conscious, more or less active, to make those ideas, views and preferences, the laws of his life and being, and of the world immediately around him.

It is such dominant ideas and desires which, when held by large groups of men, make the history of the various states, peoples and civilizations; and it is the differences and contrasts in these ideas and desires which differentiate the history—political, social and religious—of one nation from that of other nations. The question as to which race, or which civilization is superior—that is, which has contributed the most to human progress,—is a

highly debatable one. But there is nothing more obvious than the fact that civilizations, races, peoples and nations greatly and profoundly *differ* from one another; that some are closer in their points of resemblance, and some are less so; and that some are very far apart in their history, their life and their point of view.

I dwell upon this aspect of the issue because the unscientific and often smug argument of racial "superiority" has injected a good deal of wholly unnecessary bitterness and sense of hurt in its discussion. One may justly resent being told that he belongs to an inferior race, and such resentment is not only righteous but justified. But I see no reason why any of us should object to being classed with a race or a civilization which is different from that of the Anglo-Saxon if, in fact, we *are* non-Anglo-Saxons. As I have often stated, I hold no brief for the superiority of Anglo-Saxon civilization; but I do believe that this is an Anglo-Saxon country, with an Anglo-Saxon civilization, and that people of Anglo-Saxon stock are the best adapted to running its government and shaping its special national life.

Clear thinking alone, however, is not sufficient in the study of our immigrant problem. There

must be also *plain speaking*. Intellectual integrity on this issue, necessary as that is, is not enough; it must be coupled with *courage*. There has been too much of reticence, too much of half-phrases in the discussion of the alien in the democracy; worse than that, there has been, as I have elsewhere pointed out, too much "political cowardice, squeamish conscientiousness and cant" in the practise of the elementary duty of plain speaking. Then again, the average American, in the commendable desire not to hurt some neighbor's feelings, has been led to consider the issue as one of individuals, instead of (as it essentially is) one of masses, and general averages. Or else, he has given too much attention, and too much importance to what "leaders" and "students" of the New Stock have written on the subject. It does not necessarily impugn the honesty of such New-Stock spokesmen to say that they are often "prejudiced" in their own favor; for it takes a very great and not always successful effort for us, New-Stock Americans, to prevent our judgment and opinions on this subject from being colored by our particular racial ideas and preferences.

On the other hand, the American magazine-reading public seems unaware that the various phases

of the alien problem in relation to American history and democracy have been fully, comprehensively, and with great scholarship, treated by American historians and American sociologists of distinction. That the views of such American scholars often go counter to those of the more popularly read "New" sociologists and historians, and are seldom quoted in current newspaper editorials, is additional evidence of the lack of seriousness in much of what passes for expert discussion of this difficult question.

What is needed therefore, in a very real sense, in the study of the immigration problem, is "decent plainness and manly freedom." And it is with this in mind that I shall now summarize the thesis I have tried to develop in these pages.

Throughout the discussion I have referred to immigration in this special and limited sense: that the *immigrant is an alien who has come to the United States primarily for economic reasons, and as part of a substantial movement of population from his country of origin, or of his race.*

This definition leaves out of account, at one end, all those immigrants who have come as fugitives from justice, or who have been "dumped" here, or who have had a criminal past. These, let me say,

are, in my judgment, relatively few, far fewer than is generally believed by restrictionists. The definition also leaves out, at the other end, those aliens who came here, primarily, to escape political or religious persecution, or for the love of liberty. And these, also, are relatively few; far fewer than some New-Stock leaders, the special pleaders and propagandists, would have us believe.

But our definition, thus limited, fixes the problem of the alien among us within its true factual and historic bounds. For the distinctive characteristic of the problem is the fact that the alien has come, and still comes to us, as part of a great *mass-movement of his people,* and that such mass-movement has taken place over what is historically *a very brief period of time*—hardly a century.

This movement, represented roughly by the thirty-four million immigrants from every part of the world, so rapidly thrown upon the democracy, has created, and could not but create, a solid and cohering mass of alienage within the body-politic and the body-social of the republic. Moreover through the natural pressure of its size, this mass-alienage has affected, and could not but affect the ideas, views and ideals of the historic American people. And thereby it has tended, gradually but surely,

to modify both the form of the American government and the character and spirit of its distinctly Anglo-Saxon civilization. Whether such change might be for the better is a matter for philosophic discussion and personal opinion; but that, if unchecked, it would make marked differences in the democracy and in its political and social institutions, is certain.

Of course for those Americans, Old Stock or New, who either do not care how much the historic democracy may change under the pressure of this mass-alienage, or who prefer something *different* from what American civilization has been and has meant, this thesis can have no interest. But for all other Americans (the spiritually and earnestly "Americanized" New Stock as well as the vast majority of the Old) the justly disturbing issue facing the American people to-day is, as I have heretofore said, clear-cut and unescapable: "Shall the American spirit and American ideals as expressed in the institutions founded by the fathers be perpetuated; or shall the democracy be modified and changed to fit, if not to suit, the spirit, ideals and institutions of other races and other civilizations? Shall there be undivided adherence and full and earnest conformity to American life and

American ideals, or shall we consent to 'compromise' or 'conciliate' those principles and ideals with ideals and principles different from and even antithetical to them?"

Old-Stock "liberals" seem to favor a "conciliation of the heritages" while Old-Stock "conservatives" cry out helplessly that it is too late to stop the disruptive process. New-Stock spokesmen, on the other hand, not only stand for a "compromise" but go so far as to claim that it is either that or "chaos."

Between all these disputants, and out of all their compromises, the vast majority of the American people are beginning rightfully to demand that there shall be from all who claim to be loyal and devoted citizens of the republic, an *unconditional surrender* to the principles and ideals which went into the making of the historic American democracy—the full, unreserved, undivided, wholesouled return to, and acceptance by our alien-minded or dual-minded elements, of the essential principles and ideals of American life.

But how can we *all,* then, New Stock and Old, return to the spirit of the founders? What is the remedy, the basic remedy, not merely this or that legislative specific to national health and real

national unity? For it is a question of saving the Union—the spiritual union of the republic; and none of us, Old Stock or New, are without some sin of omission or of commission, for the situation which to-day confronts our common country.

I shall attempt an answer by considering certain forces and causes which, half a century ago, brought on the tragedy of national disruption; and I shall endeavor to point out certain analogies between the facts and circumstances which led to secession in 1860, and the forces and causes which, to-day, are working toward a subtler, but no less dangerous spiritual disunion in the republic.

Before 1860 the eleven states which later constituted the Southern Confederacy, had no immigration problem; their nine million people were Americans in the best and fullest sense of the word, and differed from their kin in the North only in certain traditions and in their attitude toward one specific national issue. That issue, though avowed by neither side at the beginning, was the issue of slavery.

This institution had been long "recognized" in the democracy both in the South and in the North. It was "legal" and there was nothing in the Constitution which forbade it. But as it ran counter

to the *spirit* of the democracy, some thoughtful men, from the earliest days, had protested against its continuance. And as the difference between what was "legal" and constitutional, and what was historically and spiritually essential to democratic unity, gradually gripped men's minds, some "mistaken" individuals in the North tried to "solve" the issue by "illegal" and what New-Stock rhetoricians would to-day call "un-American" methods: they resorted to violence and were "justly" hanged. Others—and they were many—sought to solve the problem by *compromise*—by *restricting,* one might say—the *increase* of slavery, or limiting it within certain sections of the country. They did this—and there were great men and honest patriots among such restrictionists—because a minority in the country, a slave-owning and very aggressive minority, made a *great* political *threat;* the threat of seceding from the Union unless they should be allowed to live according to what were *their* ideas and *their* interpretations of American freedom and equality. And so convinced was this aggressive minority that precedent, law and even religion justified them that on the saddest day in the history of the United States, they actually carried out their threat.

And still many citizens—even patriotic Unionists in the North—sought *compromise.* But one man—the greatest American of them all—had the true vision, and the unflinching courage to stand by his vision. Slowly and painfully, tragically even, he reached the conclusion that one could not conciliate *too* divergent basic views, nor compromise on what was essentially wrong and unsuited, and never really possible, in the American democracy.

What could not be conciliated must be abolished; and he abolished slavery. And when the terrible struggle was over, it seemed to the people—to all the people—that Abraham Lincoln "had all along been thinking their real thoughts for them; but they knew that this was because he had fearlessly thought for himself. He had been able to save the nation partly because *he saw that unity was not to be sought by the way of base concession.*"

Let us now turn to the situation which faces the country to-day. There are, on one side, those Americans, New Stock and Old, who believe that mass-immigration is a natural, useful and even a beneficial thing for the democracy; on the other, there are those, Old Stock and New, who, more or less consciously, more or less clearly, look upon mass-immigration as unnecessary, harmful, and

even as distinctly a "dissolvent" of the Union, as Motley, the historian called the institution of slavery. It is upon this analogy that I wish to dwell.

Mass-immigration, as I have used the term was, like slavery, introduced or permitted in the republic distinctly or predominately for *economic* reasons. Both were, in different proportions, distinct *misfits* in the framework, principles and ideals of the American democracy. In the case of negro slavery, we see the misfit in all its violence, ugliness and sinfulness; but in the introduction of *heterogeneous mass-immigration,* there is, for the historian, a no less distinct, though greatly attenuated analogy in the difference or deviation from what was, was meant to be, and could only be, a political and social grouping of people preponderantly and factually "equal" and like-minded. Like slavery, it ran counter to the historic cultural and spiritual homogeneity of the people of the democracy, and some men, for decades past, have protested against its continuance. Yet, most Americans remained quite indifferent to such protests, and others limited themselves to pointing helplessly to its "legality" and its "constitutionality."

Immigration *is* "legal"; but the nation is sag-

ging under the strain of the mass of its cultural and spiritual alienage, which in its most obvious and glaring rawness is represented by a mixed, heterogeneous foreign-born population among us, five millions larger than that which in 'sixty-one broke the unity of the republic. These millions and their "native" children are settled predominantly in thirteen of the forty-eight states of the Union, and constitute more than one-half of the population of those states. More than that; for among these millions of foreign-born, those who have been naturalized, that is, who can vote, number *more than three times* the *total popular vote* which elected Abraham Lincoln sixteenth President of the United States; and if you add those who, in 1920, had applied for their first papers, you have a *foreign-born* "American" *voting* population nearly equal *to the entire population* twenty-one years of age and over, which, in 1860, *seceded from the Union.*

Having a past national tragedy reverently in mind, and taking into consideration the problem of mass-immigration in the deeper aspects of that subtler alienage whose disrupting forces I have endeavored to set forth in these pages, is it strange that there are men—and I among them—who see

no conciliation possible on this issue? That there are men—and I among them—who believe that any compromise, any so-called "scientific harmonization" of the opposing elements, races and cultures among us is an abandonment of the ideals of American civilization, or an implied consent to the secession from the nation-spiritual, of large sections of its peoples.

What then can there be but "Abolition,"—the absolute prevention of any further accretions to this vast mass? But abolition does not imply merely the stopping of all further immigration (except those closely related to the aliens already here); it implies a profound and fundamental change in the *attitude* and *thought* of the American people—of all the American people, Old and New, in relation to this threatening issue. We must abolish "the immigrant" from our minds and from our lives; from our polity and from our policies. The country is to-day a nation, full fledged and complete; its period of colonization and expansion is a thing of the past. The United States of America is not an Australia, nor even a Canada, great as those commonwealths are. We have no longer a frontier, nor have we any more free lands. We do not need settlers, we do not need population

from outside sources; we do not need it because we do not want to become a crowded state like the countries of Europe and Asia, and we wish to transmit our "freedom of space" to our own people in the future. We have huge and intricate national problems, but we must learn, and we must make up our minds, to solve them by ourselves, between ourselves, within our own great boundaries. Certain industries, and in a far less degree American agriculture, are the only elements in the nation which still consider the outside aid of immigration as essential; and they ask it exclusively for economic reasons, exactly as the southern farmers, honestly enough though mistakenly, asked for negro *slavery* as essential to the continuance of their plantation industries. The slave was not necessary to the economic life of the Southern States; neither is the immigrant further necessary to the economic life of the North to-day.

Nor does abolition mean that we shall live exclusively by ourselves. It means the reassertion and the practical reenactment of the *real* American principle of asylum. Individuals from any country, of any race, and of any creed, even of any political and social views, however opposed to ours, should be allowed to come. It is the "immigrant" that

must be not only barred but abolished. It can be easily done if we only turn our minds resolutely away from the old ideas about this being a "new" country, an "immigrant country," or a "democracy-still-in-the-making." It has been done by every other full-fledged, self-respecting and freedom-loving nation. England, for example, has been the classic land of refuge for the persecuted, politically or religiously, from every part of the world; yet, before the World War, the foreign-born in the great cosmopolitan city of London were less than two per cent. of the total municipal population. With us, instead, there is not, to-day, a *single one* of the sixty-eight American "cities of one hundred thousand or more inhabitants" that has a percentage of foreign-born *whites* as low as London's; in twenty-three of such cities the percentage is over *twenty*, in seven of them it is more than *thirty*. It is over thirty-five per cent. in New York and in Paterson, New Jersey; it is nearly thirty per cent. in Chicago and Detroit; it is over forty per cent. in New Bedford, Massachusetts.

Abolition of mass-immigration would nevertheless still leave us with a great national problem to solve: the problem of the millions who are not, in fact and in cultural and spiritual essentials,

"American," though in law they are declared so to be. Such a problem corresponds in essence to that of post-bellum reconstruction in the South. It would require at least a century for its proper national solution if we all got together and seriously grappled with it, and it would have to proceed along two main lines.

The first great field of action would deal with the aliens among us who are not yet, legally, American citizens. The lesson that southern reconstruction has for us in this line, is that of the necessity for greatly retarding and, in some cases, of absolutely preventing, the conferring of the democratic franchise. Our present Naturalization Laws would have to be fundamentally changed; they are contrary to the principle that the capacity for self-government and for democratic life depends upon long training and experience and not upon a sixty months' residence in the land and a smattering of civics and constitutional law.

In this respect we should bear in mind that the only constitutional provision with which the wisdom and vision of Abraham Lincoln is historically and spiritually associated, is the Thirteenth Amendment—that which destroyed slavery and reasserted the cardinal spiritual principle of the

democracy that no race "is without its *human* claim." The Fourteenth and Fifteenth Amendments, however, which suddenly created a democratic "equality" and a political "capacity" for government in human beings who had been slaves, were worthy in motive, but disastrous because of the rapidity with which they sought to achieve their excellent purpose.

Little as there is recorded of Lincoln's views on the *gradual* enfranchising of the negro, yet that little, in my opinion, will be a greater and wiser aid in the framing of new naturalization laws for the aliens among us than much that has been written in treatises on citizenship. Twenty years' residence, I have always maintained, before an alien could apply for the franchise, would be a far more reasonable period than the present brief five years; subject, however, to the right of the President of the United States to shorten that period for distinguished service rendered, in war or peace, to the nation.

The second great line for reconstruction would deal with *all* "aliens," their native-born children, and the older unassimilated elements which constitute the subtler and more difficult aspects of our mass-alienage.

In this huge field of endeavor most of the old "movements" and "short cuts" and fanciful ideologies would have to be scrapped. Much of what is called Americanization work to-day is at best, like the post-bellum efforts in the South which Walter H. Page visualized for us in "the sharp-featured New England school Marm armed with that spelling book which was overnight to change the African from a genial barbarian into an intelligent and conscientious social unit."

Effective reconstruction in this field would require some unavoidable but highly justifiable constitutional amendments besides legislation in the nature of temporary "war measures" as called for by the threatening conditions of the situation.

These two things, at the very least, we should have unyieldingly to stand for, and, if necessary, to fight for: a common *language,* and a universal *American Public School* for our children, which should be "a national institution and under some form of national authority."

It is a facile argument to point to the fact that the United States Supreme Court has, so far, declared unconstitutional every effort to "force" American children to learn English as their mother-tongue. The fact is, however, that the rea-

sonableness and necessity for insisting on a common language are so patent that any legal barrier that may exist against such legislation is bound to be eventually swept away. The decision of the Court on this issue was not unanimous and was aimed at the *method* used, rather than at the desirability and necessity for such legislation. As one of the dissenting Justices in that case wrote: "I cannot bring my mind to believe that in some circumstances, and circumstances existing, it is said, in Nebraska, the statute might not be regarded as a reasonable or even necessary method of reaching the desired result. The part of the act with which we are concerned deals with the teaching of young children. Youth is the time when familiarity with a language is established and if there are sections in the state where a child would hear only Polish or Czech or German spoken at home, I am not prepared to say that it is unreasonable to provide that in his early years he shall hear and speak only English in school."

A similar argument might be urged against those theorists who claim that legislation to "force" young children to attend a common American secondary school is an attempt at state monopoly of education. They well know, or ought to know,

that such legislation has been attempted only in those states where the disrupting and de-Americanizing influences in the schools of certain culturally alien communities make such "forced" means for national self-defense both temporarily necessary and reasonably justified.

Other requisites we should demand, by special legislation if necessary, include these: that no man should be entitled to hold public office, high or low, federal, state, or municipal, who does not read, write and speak English fluently; nor that any "American citizen" should be allowed to vote who cannot read and write the language of the nation in whose government he participates.

We should have effective compulsory education of the adult alien in American secondary schools, and the unflagging enforcement of compulsory educational laws among the children of such aliens. The teaching of foreign languages in secondary schools, public or private, should be wholly eliminated, and the time thus saved devoted to additional study of American history.

On the aggressively defensive side we should have, not only drastic changes in our citizenship and naturalization laws, but legislation requiring the registration of all aliens as an aid toward

detecting those thousands who have entered illegally into this country. Since every American citizen must be registered in order to vote, I cannot see "the Russian horror" of a similar administrative requirement for every alien. We should enact legislation for the investigation, supervision, and if necessary, the suppression of the foreign-language press in this country, especially that which is distinctly racial or "colonial" and separatist or "nationalistic." Similar legislation would be necessary for the investigation and supervision of those countless societies, organizations and "institutions" in our various "colonies" some of which have the material aid or the backing of powerful foreign interests or the "sympathetic" support of foreign governments.

Last but not least, we should have a federal racial census or national ethnological survey, as a really scientific basis for reconstruction legislation; such a survey made by the United States Government under the supervision of our federal census officials is favored by students of distinction but has been bitterly opposed by certain "racial" groups.

But the underlying and uncompromising aim and purpose of all reconstruction work should be

conformity to the American spirit, to American life and history, to American ideals and aspirations. In this great labor the young men among our New-Stock citizens, particularly those who have had special advantages of birth and education, must face their high duty. Without their honest, earnest and whole-hearted help, the problem of slowly converting our mass-alienage into a real element of the Union may prove well-nigh unsolvable. Theirs is a great power; theirs will have to be also a high courage. They will have to fight, undismayed, against a mass of racial and cultural prejudices and preferences, entrenched in high and low places, in politics, in culturally alien churches, Protestant no less than Catholic and Jewish, and even in some of our educational and publishing institutions. But in their fight they will have the backing, in growing legions, not only of Americans of the Old Stock, but of thousands and thousands of those young Americans of the New Stock, "Latins" no less than "Nordics," Catholics no less than Jews, wishing to be, and meaning to be, in every possible way American—wholly American; men of alien stocks who do not want a foreign-language press; who do not desire any language or culture other than that

of the democracy; who do not want separate schools and separate societies and organizations; who want their clergymen and their priests and their rabbis, no less than their teachers and their political and intellectual leaders to be likewise American, wholly engaged with the great problems and hopes of America and of humanity and not with the nationalistic questions and aspirations of Ireland or Palestine, or of Poland or Russia.

It is to these thousands—to these hundreds of thousands of New-Stock Americans no less than to those of the Old Stock, that the appeal in all I have written is directed. For if these New Americans can be made to forsake that false racial leadership which, for honest or oblique ends, has utilized and exploited the natural tendency of racial groups to cohere; if they can be made to realize that "the America that was"—the America of their school histories—is actually threatened, they will unhesitatingly and whole-heartedly come to the rescue. And they will do so as soon as they are made to vision clearly that the danger is not from any lack of personal loyalty or personal good intentions, but through the sheer force of *mass,* by the almost uncontrollable and often unconscious operation of the forces of heredity and of historic

antecedents, of racial psychology and traditional outlook upon life.

That is why I have so insisted on studying the problem of the immigrant as a problem of *mass-alienage.* That is the basic thought which I submit to the mind and conscience of all; as thoughtful Americans and not as petty lawyers weighing legal evidence; as men, not as New-Stock citizens smarting under the hurt of a non-existing racial inferiority, or old Americans smugly complacent over a sense of non-existing racial superiority. I ask it of your common sense and of your honest and free reflection. I ask it especially of you, New Americans, who have not only the capacity, but the experience for comparing this democracy and this civilization with the political and social life of your national origins, or of such among you as come from those countries where racial minorities have been an unsolvable social problem for ages; especially do I ask it of you New Americans of Latin blood whose Roman forebears were masters of "racial insight," and of you, New Americans of Jewish blood, who are more philosophically-minded than the Anglo-Saxon: Can this American civilization which certainly in its inception was predominantly a racial, social and cultural unit, this

American civilization which developed a political, social and moral life of its own before most of us of the New Stocks came here; can such a civilization endure as it was, and was meant to be, under the pressure of a citizenship so historically, so racially and culturally non-American as has invaded this democracy in the last decades, unless there be a deeply earnest, honest and ceaseless effort at *complete American conformity?*

And if such conformity to American life, as some of your leaders now assert, means our *racial self-effacement,* shall we therefore begrudge our gift? Did not others, before us, make an infinitely greater sacrifice so that this nation which "four-score and seven years ago our fathers brought forth" might endure? Shall we not strive that the words which Abraham Lincoln spoke of those who gladly accepted the supreme self-effacement, may likewise, in a humble measure, apply to us also? Shall not we, too, dedicate ourselves "to the great task remaining before us . . . that from those honored dead . . . we take increased devotion to that cause for which they gave the last full measure of devotion; that we here highly resolve that these dead shall not have died in vain; that this nation, under God, shall have a new birth of

freedom; and that government of the people, by the people, for the people, shall not perish from the earth.''

THE END

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